

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL SUMMARY SUIT NO.6 OF 2002

Prasar Bharati (Broad-Casting Corporation of India) ...Plaintiff

Versus

Western Co-op. Bank Ltd. Through its Liquidator, the District Deputy Registrar, Co-op. Societies ...Defendant

Ms. Uma Kshrsagar Wagle for the Plaintiff.
Mr. Himanshu B. Takke, A.G.P. for the Defendant.
Mr. Shantanu Sharma, Court Commissioner present in-person.

CORAM : ABHAY AHUJA, J.

DATED : 24th SEPTEMBER 2025

P.C.:

1. Although this Court had appointed Advocate Mr. Shantanu Sharma as Court Commissioner, with the consent of the learned counsel for the parties to record cross examination of the Defendant's witness on 16th December, 2024, today, when the matter is called out, Advocate Mr. Shantanu Sharma appears and submits that till date, the parties have turned up only once for a preliminary meeting, despite having addressed emails for more than five times.

2. Ms. Uma Wagle, appears for the Petitioner and seeks one last indulgence, submitting that the Petitioner will fully co-operate with the learned Court Commissioner for recording cross examination of the Defendant's witness(s) and ensure that the recording of evidence is concluded by 20th November 2025.

3. Mr. Takke, learned A.G.P. appearing for the Defendant, has no objection, if last indulgence is granted.

4. It is observed from the Orders of this Court that from 16th December 2024, time has been sought atleast four times and the last Order having been passed on 23rd July 2025. The Suit is a commercial suit and therefore, considering the lethargy with which the Plaintiff has proceeded with, this Court would otherwise have forfeited the Plaintiff's right to cross examine the Defendant's witness(s), however, since time is being sought as and by way of last indulgence, this Court is inclined to grant that indulgence, but not without payment of costs.

5. Accordingly, subject to payment of costs of Rs.25,000/- by the Plaintiff to The High Court Employees Medical Welfare Fund at Mumbai, within a period of three weeks from today, let the cross examination of Defendant's witness(s), be concluded by 20th November 2025.

6. Let parties positively co-operate with the Court Commissioner appointed by this Court and also pay his remuneration in a timely manner.

7. List on 24th November 2025.

[ABHAY AHUJA, J.]