

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

SUIT NO. 634 OF 2005

M/s. The Prag Bosmi Synthetic Ltd.	.. Plaintiff
Vs.	
The New India Assurance Co. Ltd.	.. Defendant

Mr.Ajay Panicker for plaintiff.

Ms.Aditi Pawar i/b Motiwalla & Co. for defendant.

**CORAM : K.R.SHRIRAM, J.
DATED : 27TH NOVEMBER, 2014**

P.C.

1 At the outset, the counsel for the plaintiff undertakes to file the list of witnesses within one week from today.

2 In Exh.P-1, from paragraph 39 upto paragraph 77, the affidavit deals with the written statement in the form of a rejoinder. Therefore, those paragraphs are excluded from Exh.P-1.

3 The plaintiff's first witness Hemant Bhanushali Vyas, (PW-1) is present in Court and is administered oath.

4 Along with Exh.P-1, the plaintiff has also filed a compilation of 21 documents. The serial numbers given below relate to the index filed along

with the list of documents/compilation of documents :

- 1 to 3 : **Exh.P-2 to Exh.P-4**, respectively.
- 4 & 5 : **X-1 & X-2 for identification**, respectively.
- 6 : **Exh.P-5**, subject to proof of truth of contents.
- 7 : **X-3 for identification**.
- 8 : **Exh.P-6**
- 9 : **Exh.P-7**, subject to proof of truth of contents.
- 10 : **Exh.P-8**
- 11 to 17 : **Exh.P-9 to Exh.P-15**, respectively.
- 18 : **Exh.P-16**
- 19 : **Exh.P-17**, subject to proof of truth of contents.
- 20 : **Exh.P-18**
- 21 : **Exh.P-19**, subject to proof of truth of contents.

3 Ms. Mamta Sadh, Advocate practicing in this Court is appointed as Commissioner to record evidence in the matter. The fees, administrative expenses of the Commissioner, venue expenses, if any, to be shared equally between the parties and the same will be costs in the suit.

4 Stand over to 20th April 2015 for directions.

Liberty to apply.

(K.R. SHRIRAM, J.)