

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

SUIT NO.1427 OF 2019

Devika Sunil Jamdar ... Plaintiff

V/s.

Serika Lal @ Sarika Aggarwal & Ors. ... Defendants

**WITH
CHAMBER ORDER (L) NO.33052 OF 2024
IN**

SUIT NO.1427 OF 2019

**WITH
INTERIM APPLICATION (L) NO.31566 OF 2024
IN**

SUIT NO.1427 OF 2019

**WITH
INTERIM APPLICATION (L) NO.28712 OF 2024
IN**

SUIT NO.1427 OF 2019

**WITH
COURT RECEIVER'S REPORT NO.42 OF 2021
IN**

SUIT NO.1427 OF 2019

Mr. Karl Tamboly a/w Aadil Parsurampuriah i/by Indrajeet Kulkarni for the Plaintiff.

Mr. Amit Patil i/by Parinam Law Associates for the Defendant.

Mr. Nitin Pawar, O.S.D., Court Receiver is present.

CORAM : ARIF S. DOCTOR, J.
DATE : 10TH JANUARY 2025

P.C. :

1. Today, the matter is on board for marking of the documents of the Plaintiff. The Plaintiff has today submitted compilation of documents containing documents as also Affidavit in lieu of Examination-in-Chief of the Plaintiff.

2. The Plaintiff Ms. Devika Jamdar (PW-1) is present in Court and is administered oath.

Name : Dr. Devika Sunil Jamdar

Age : 60 years

Occupation : Doctor

Address : 203, Godavari, Sir Pochkhanwala Road,
Worli, Mumbai – 400 030.

On S.A. :

Examination-in-Chief of PW-1 by Mr. Aadil Parsurampuriah, Advocate for the Plaintiff

3. The Affidavit in lieu of Examination-in-Chief is now shown to me. I have affirmed the said Affidavit. It bears my signature. The contents of the

Affidavit in lieu of Examination-in-Chief are true and correct.

P.C. :

4. The Affidavit is marked as **Exhibit-PW1/1**.

5. The documents at Serial Nos.3, 6, 7 and 8 are admitted documents. These are taken on record and marked as **Exhibit PW1/2, PW1/3, PW1/4 and PW1/5**.

6. Insofar as documents at Sr. Nos. 1, 2, 4 and 5 are concerned, the same are marked as **PW1/6, PW1/7, PW1/8 and PW1/9**, subject to proof of correctness of the contents.

7. By consent of the parties, Ms. Dipti Bhuta, Advocate is appointed as a Court Commissioner with the following directions to record the cross-examination of the witness, the details of whom are as follows :-

Court Commissioner Ms. Dipti Bhuta, Advocate

Address

202A, Savla Chambers, 40,
Cawasji Patel Street, Fort,
Mumbai – 400 001.

Mobile

9820766867

Email

diptinaz@gmail.com

- a) The Commissioner is at liberty to exercise discretion under Order XVIII Rule 4(4) of the Code of Civil Procedure, 1908, to note the demeanor of the witnesses where necessary.
- b) All cross-examination shall be conducted strictly in question and answer form.
- c) The Commissioner will also be at liberty to direct that the whole or any part of the cross-examination should be video recorded for later reference of the Court. Should that be done, the original audio visual recording will be submitted along with the Commissioner's Report to the Registry.
- d) Liberty to the parties as also to the Commissioner to apply in case of difficulty.
- e) All re-examination will be conducted only in court.
- f) Costs of the commission shall be borne equally by the parties.
- g) Parties shall also pay costs of Rs.500/- per hearing to the Court Clerk who attends the commission with Court Papers.

This is required since these clerks attend the commission in addition to their regular duties and outside their normal working hours.

- h) The Commissioner is not to permit any applications for adjournment on dates previously fixed, except where absolutely unavoidable. Counsel's inconvenience or unavailability does not constitute such unavoidability.

8. In the event that the original papers required during the course of cross-examination, the same shall be available by the parties to the Court Commissioner. The same shall be provided with the terms including payment of cost and charges of the Court Officer is concerned.

9. The Commissioner to conclude the cross-examination of PW-1 and submit the Report on or before 1st March 2025.

10. Stand over to 24th January 2025.

(ARIF S. DOCTOR, J.)