

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

COMMERCIAL SUIT NO. 68 OF 2020

NATIONAL INSURANCE COMPANY LIMITED)...PLAINTIFF

V/s.

HELVETIA SWISS INSURANCE COMPANY LTD.)
(SINGAPORE BRANCH) AND ANOTHER)...DEFENDANTS

Mr.Bomi Patel, through Video Conferencing a/w. Mr.Vineet Sawant i/by
Tuli & Co., Advocate for the Plaintiff.

Mrs.Nisha Khilari, Plaintiff's witness present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 22nd JANUARY 2026

P.C. :

1. When the matter is called out, Mr.Bomi Patel, learned Counsel for the Plaintiff, appears through video conferencing and submits that the Affidavit of evidence and Compilation of documents have been served on the Defendants and tenders across the bar Affidavit of service. Learned Court Associate confirms that the service has been effected upon the Defendants.

2. Mr.Patel submits that since no Statement of admission and denial has been filed till date and the witness of the Plaintiff is present in Court, this Court may proceed to mark the documents.

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3. Upon a query from this Court as to whether the original of the Affidavit of evidence is available, Mr.Patel answers in the affirmative, however, as regards the Compilation of documents, Mr.Patel submits that some time be granted to ascertain the location of the original Compilation of documents, however, while this Court to mark the Affidavit of evidence since the witness of the Plaintiff is present in Court.

4. The witness of the Plaintiff is directed to step into the witness box only for the purposes of accepting her Affidavit of evidence in lieu of examination-in-chief on behalf of the Plaintiff.

5. Mrs.Nisha Khilari has stepped into the witness box and is administered oath by the learned Court Associate.

PW-1 :

Name : Mrs.Nisha A. Khilari
Age : 58 years
Occupation : Deputy Manager, National Insurance Co. Ltd.
Address : MLCBO, National Insurance Building,
14 J, Tata Road, Churchgate, Mumbai – 400020

Examination-in-chief of Mrs.Nisha A. Khilari, PW-1 on S.A. :

(Witness is shown affidavit in lieu of examination-in-chief dated 18th November 2025 under Order XVIII, Rule 4 of the Code of Civil Procedure, 1908)

This is my affidavit. I have affirmed and verified this affidavit by signing at the foot of this affidavit. I identify my signature on this affidavit. The contents of this affidavit are true and correct to my knowledge and belief.

The witness has deposed to the truth and contents of the said affidavit. There are no questions in oral examination-in-chief.

The affidavit in lieu of examination-in-chief dated 18th November 2025 is taken on record and marked as **Exhibit PW-1/1**.

6. The Plaintiff's witness is discharged for the day.

7. Since the learned Counsel appearing for the Plaintiff has requested for time to ascertain the location of the original Compilation of documents, **list on 12th March 2026**.

8. Let the location of the original Compilation of documents be ascertained by the next date.
9. Let the Plaintiff's witness remain present in Court on the next date.

(ABHAY AHUJA, J.)