

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1590 OF 2015
IN
SUIT NO. 1223 OF 2005

Madhusudan C. Sanghvi ... Applicant / Def. No. 6.

IN THE MATTER BETWEEN:

Mukta Constructions and Ors. ... Plaintiffs

Versus

Lilavatiben C. Sanghvi and Ors. ... Defendants

Mr. Banerjee i/b. Mahesh Jani & Company for the Plaintiffs.

Mr. Amin a/w. Mr. P. Sharma i/b. B. Amin and Company for the Applicant /
Defendant No. 6.

CORAM : S.J. KATHAWALLA, J.
DATED : 4TH DECEMBER, 2015

P.C.

1. Mentioned. Not on board. Taken on board.
2. Perused the Notice of Motion and the Affidavit in support thereto.

For the reasons set out in the Affidavit in support of the Notice of Motion, the Notice of Motion is allowed in terms of prayer clause (a), which is reproduced hereunder :

“(a) That this Hon'ble Court be pleased to recall the order dated 7th

May, 2015 passed by her Ladyship the Hon'ble Mrs. Justice Roshan S.

Dalvi appointing Mr. Brijesh Upadhyay as Court Commissioner for recording evidence of the witness of Defendant No. 6 and appoint such other person as Court Commissioner”.

3. Mr. S.S. Bobde, Advocate is appointed as Commissioner to record the evidence of the witness of Defendant No. 6 in place of Mr. Brijesh Upadhyay, Advocate and submit his report to this Court on 21st December, 2015.
5. Stand over to 21st December, 2015 for Directions.
6. The Chamber Summons is accordingly disposed of.

(S.J.KATHAWALLA, J.)