

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 3380 OF 2015
IN
SUIT NO. 1681 OF 2011

Smt. Sundari Khubchand Thawani ... Applicant

IN THE MATTER BETWEEN :

Prayasvin Bhanubhai Patel ... Plaintiff

Versus

Smt. Sundari Khubchand Thawani & Ors. ... Defendants

Mr. Nusrat Shah a/w. Mr. Kevin Gala i/b. N. Shah for the Plaintiff.

Mr. C.M. Korde, Sr.Adv. i/b. Mini Chandran for the Applicant / Defendant No. 1.

Mr. J. Chandan i/b. Shidhore for Defendant No. 2.

Mr. A.K. Gupta for Defendant No. 7.

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

P.C.

1. The above Notice of Motion is taken up for final hearing by consent.
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 clauses (a) and (b), which are reproduced hereunder :

“(a) that the Affidavit dated 23rd November, 2015 in lieu of

examination in chief of Khubchnd Khemchand Thawani on the preliminary issue of limitation may be taken on record by this Hon'ble Court ;

(b) that this Hon'ble Court may be pleased to direct that the cross examination of Khubchand Khemchand Thawani may be completed first and that the evidence of the Plaintiff on the preliminary issue and the evidence of the other defendants on the preliminary issue may be recorded thereafter”.

3. Place the Suit for cross-examination of the husband of Defendant No. 1 before this Court on 18th December, 2015 at 3 p.m.
4. The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA, J.)