

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

NOTICE OF MOTION NO.508 OF 2016

IN

SUIT NO.679 OF 1973

The State of MaharashtraPlaintiff

V/s.

M/s. Godrej & Boyce Mfg. Co. Pvt. Ltd. & Ors.Defendants

WITH

LAND ACQUISITION REFERENCE NO.31 OF 1978

The Spl. Land Acqn. OfficerPlaintiff

V/s.

M/s. Godrej & Boyce Mfg. Co. Pvt. Ltd. & Ors.Defendants

WITH

LAND ACQUISITION REFERENCE NO.6 OF 1987

The Spl. Land Acqn. Officer (7) BombayPlaintiff

V/s.

Roshan Minocher Master & Ors.Defendants

WITH

LAND ACQUISITION REFERENCE NO.88 OF 1987

The Spl. Land Acqn. Officer (3) BombayPlaintiff

V/s.

M/s. Godrej & Boyce Mfg. Co. Pvt. Ltd. & Anr.Defendants

WITH

LAND ACQUISITION REFERENCE NO.16 OF 1988

The Spl. Land Acqn. Officer (7) & Ors.Plaintiffs

V/s.

B.M.C. (Acqn. Boady)Defendants

WITH

LAND ACQUISITION REFERENCE NO.20 OF 1988

The Spl. Land Acqn. Officer (3) & Anr.Plaintiffs

V/s.

Govt. of Maharashtra through the
Collector of Bombay (Acqn. Boady)Defendants

WITH

LAND ACQUISITION REFERENCE NO.23 OF 1988

The Spl. Land Acqn. OfficerPlaintiff

V/s.
Roshan Minocher Master & Ors.Defendants

WITH

LAND ACQUISITION REFERENCE NO.27 OF 1988

The Spl. Land Acqn. OfficerPlaintiff

V/s.

Roshan Minocher Master & Ors.Defendants

WITH

LAND ACQUISITION REFERENCE NO.5 OF 1992

The Spl. Land Acqn. Officer Bombay & B.S.D.Plaintiffs

V/s.

Trustees of S.P. Godrej Foundation on Trust & B.M.C.Defendants

Mr. P.G. Lad for the plaintiff.

Mr. D.J. Khambata, senior advocate i/b. Bachubhai Munim & Co. for the defendant nos.1 to 4, 6 to 8, 16, 17, 21, 23 & 25 and for applicants in NMS/508/2016.

CORAM : K.R.SHRIRAM,J

DATE : 19th AUGUST, 2016

P.C.:-

NOTICE OF MOTION NO.508 OF 2016

1 Heard the counsel for the applicants as well as the plaintiff.

In the notice of motion the applicants are praying for expunging/striking out the portions of the affidavit of one Upendra Tamore in lieu of examination in chief dated 20th September, 2013. The portions that the applicants want to be expunged/struck out are as mentioned in Exhibit 'A' to the affidavit in support.

2 Have considered Exhibit 'A' to the affidavit in support and also heard the counsels. In my view, at the final hearing of the suit the

court may consider the evidentiary value of the portions which are mentioned at Exhibit 'A'.

3 The notice of motion accordingly stands disposed.

4 The counsel for the plaintiff states that the evidence of PW-5 is yet to be concluded. Mr. Lad, counsel for the plaintiff further states that on the next date he will keep PW-5, PW-6 and PW-7 present for cross examination.

5 Parties by consent state that the evidence of PW-7 in examination in chief can be received by the Commissioner.

6 The Commissioner – Smt. Jyostana Panti, who has been appointed earlier shall continue to be the Commissioner under the same terms and conditions in which she was appointed and the cost of the Commissioner will be costs in the suit.

7 The Commissioner to endeavor that the evidence of all the three witnesses, i.e., PW-5, PW-6 and PW-7 to be concluded on or before 31st October, 2016. The Commissioner to fix the dates within one week from today and the next date of hearing should be not later than four weeks from today.

8 The Commissioner to fix minimum two/three dates per session for cross examination of PW-5, PW-6 and PW-7. If the parties do not respond promptly within 48 hours of receiving a communication from the Commissioner suggesting the subsequent dates, the Commissioner to go ahead and fix the dates convenient to her and the parties shall make themselves available at the time and dates fixed by the Commissioner. If the plaintiff or the witness does not remain present, the Commissioner should close the evidence of that witness and if the defendants do not remain present to cross examine the witnesses, the defendants' cross examination should be treated closed as no cross. Once the dates are fixed, the Commissioner not to grant adjournment on any ground whatsoever unless the situation is so grave that it warrants an adjournment and for reasons recorded.

9 Liberty to apply.

(K.R.SHRIRAM,J)