

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 4419 OF 2017

Sony India Pvt. Ltd.

... Petitioner

VS.

Arcee Appliances & Electronics Pvt. Ltd.

... Respondent

Ms. Pallavi Zaveri i/b. M/s. Sanjay Udeshi & Co., Advocate for the petitioner.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 3rd May, 2017.

P.C.:

This matter is taken on circulation.

2. The learned counsel for the petitioner submitted that respondent is served, however, none present for the respondent.

3. The Petition is directed against the order dated 22nd February 2017 passed by the learned Judge of the City Civil & Sessions Court, Greater Mumbai. The petitioner is the plaintiff, who has filed examination-in-chief of its employee Deepak Agnihotri, however, the said employee was transferred to Delhi and therefore, the petitioner-company intended to substitute the evidence of Deepak Agnihotri by filing fresh affidavit evidence of Mr. Jiju K. but the said application

was opposed by the respondent/defendant. The learned Judge has rejected the said application and directed Deepak Agnihotri to remain present on 14th March, 2017 for cross-examination.

4. Heard the learned counsel for the petitioner. Nothing can be faulted with in the order passed by the learned Judge of the City Civil Court. However, a time bound programme of cross-examination is to be given to the witness to avoid confusion. Hence, the petitioner/plaintiff to appear before the trial Court on consecutive two dates, i.e., 15th & 16th June, 2017 or 22nd & 23rd June, 2017 as per the convenience of the learned counsel for the respondent to complete the cross-examination.

5. With this, Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)