

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

**NOTICE OF MOTION NO.632 OF 2014
IN
SUIT NO.788 OF 2004**

Bindi Harshadkant ParekhPlaintiff

V/s.

Bharat Petroleum Corporation Ltd.Defendant

Mr.Firoz Bharucha i/by M/s.Pandya & Poonawala for the plaintiff.

Mr.Rahul Theckedath i/by M.P.Savla & Co. for the defendant.

**CORAM : K.R.SHRIRAM,J
DATE : 3.7.2017**

P.C.:-

1 Mr.Bharucha appearing for the plaintiff states that the Notice of Motion is wrongly shown since on an earlier occasion, he has sought leave of the Court to withdraw the Notice of Motion. Since I am not able to trace any order permitting withdrawal of the Notice of Motion, Notice of Motion dismissed as withdrawn.

SUIT NO.788 OF 2004

1 Mr.Theckedath appearing for the defendant tenders list of witnesses. The defendant's 1st witness Ajit Laxman Mane (DW-1) is present in court and is administered oath.

Name : Ajit Laxman Mane

Age : 55 years

Occ. : Service, BPCL

Address : 71/25, BPCL Staff Quarters, Gokul Dham, Goregaon,
Mumbai-400 063.

On S.A.

Further Examination-in-chief by Mr.Theckedath for the defendant

2 I say that I have affirmed an affidavit in lieu of examination-in-chief on 20.6.2017 and I also identify my signature.

PC :-

The same is taken on record and marked Exh.D1/1.

3 The only document the defendant wishes to rely upon through this witness is power of attorney given to the witness to give evidence. The document is marked Exh.D1/2.

4 The Commissioner who was appointed earlier to record evidence to continue on the same terms and conditions. The cost already incurred and the cost to be incurred to be cost in the suit.

The Commissioner to endeavor to complete recording of evidence of DW-1 by 15th August, 2017. The Commissioner to fix minimum two/three dates per session for cross examination of DW-1. 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 the Commissioner and the parties shall make themselves available at

the time and dates fixed by the Commissioner. If the defendants or the witness does not remain present, the Commissioner should close the evidence of DW-1 and if the plaintiffs do not remain present to cross examine the witness, the plaintiffs 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.

5 Liberty to apply.

(K.R.SHRIRAM,J)