

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

**NOTICE OF MOTION NO.2427 OF 2011
WITH
NOTICE OF MOTION NO.2969 OF 2011
IN
SUIT NO.2442 OF 2011**

Satellite Developers Ltd. and Ors.Plaintiffs

Vs.

Sumermal M. Bafna and Ors.Defendants

Mr. Pravin Samdhani, senior advocate a/w. Ms. K.B. Moorthy i/b. Wadia Ghandy and Co. for plaintiffs.

Mr. Piyush Pande i/b. M/s. Kartikeya and Associates for defendant nos.1,3,5 and 8.

Mr. Karl Tamboly a/w. Mr. Hrushi Narvekar and Ms. Shaheda Madraswala i/b. Bharucha and Partners for defendant nos.2 and 4.

Mr. Suneel D. Mogre for defendant nos.11 to 15.

CORAM : K.R.SHRIRAM, J.

DATE : 31st AUGUST, 2017

PC.:

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1 Mr. Samdhani, senior counsel for plaintiffs states that on the issue framed under Section 9A of the Code of Civil Procedure, the evidence of plaintiffs' first witness is concluded. Mr. Samdhani further states that evidence affidavit of plaintiffs' second witness has already been filed but what remains is cross examination by defendants. Mr. Samdhani states that plaintiffs' Advocates will give inspection of the documents that they have referred to and relied upon on or before 6th September, 2017.

2 The Commissioner already appointed to continue on the same terms and conditions.

3 The Commissioner to endeavor to complete recording of evidence of PW-2 by 31st October, 2017. The Commissioner to fix minimum two/three dates per session for cross examination of PW-2. 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 plaintiffs or the witness do not remain present, the Commissioner should close the evidence of PW-2 as not made available for cross and if defendants do not remain present to cross examine the witness, 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.

4 Stand over to 3rd November, 2017 for directions.

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1 Mr. Tamboly, on instructions states that since issue under Section 9A has already been framed, nothing remains in this notice of motion.

2 Therefore, the notice of motion stands disposed.

(K.R. SHRIRAM, J.)