

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13538 OF 2018

M/s. G. Loucaters and Co. .. Petitioners
vs.
Binani Industries Limited
formerly known as
Binani Zinc Ltd. .. Respondents

Mr. N.V. Walawalkar, Sr. Advocate for the Petitioner a/w. N.S. Vyas
and Y.M. Vyas for the Petitioner.
Mr. Jaydeep Deo for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 4 DECEMBER 2018.

P.C. :-

- 1] Heard the learned counsel for the parties.
- 2] The challenge in this petition is to the orders dated 25th April 2018 and 4th October 2018, by which, a Commission has been issued for examination of the plaintiff's witness.
- 3] After the matter was argued for some time, the learned counsel for the parties agree that this petition can be disposed of by the following order:
 - (a) The parties through their counsel to appear before the Small Causes Court at Mumbai on 6th December 2018, which is even otherwise the date fixed for further proceedings in R.A.E.

Suit No.666/1013 of 2009 and produce a copy of this order;

(b) The learned Trial Court to fix the two dates as per its convenience for further cross-examination of the plaintiff's witness in the Court itself. The learned counsel for the parties assure this Court that the cross-examination will be concluded, if two such dates are granted. Needless to add that the cross-examination shall not be unnecessarily interrupted or curtailed;

(c) The petitioners shall also ensure that the cross-examination is not unnecessarily prolonged taking into consideration the position of the health of the witness's wife;

(d) The learned Trial Judge to offer a fair opportunity to both the parties so that the cross-examination effectively held and completed within the two dates so fixed by it;

(e) Since the suit itself pertains to the year 2009, the learned Trial Court to dispose of the same expeditiously;

(f) This order is in supersession of the directions in the impugned order.

4] All concerned to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)