

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMARY SUIT NO. 6969 OF 1999
WITH
CHAMBER SUMMONS NO. 718 OF 2018**

Haria Exports Ltd	...Plaintiff
<i>Versus</i>	
The Bank of Tokyo Mitsubishi UFJ Ltd & Ors	...Defendants

Mr Avinash D Kango, for the Plaintiff/Applicant.
Mr Roop Vasudeo, for Defendant No. 1.

CORAM: G.S. PATEL, J
DATED: 6th December 2018

PC:-

1. Chamber Summons No. 718 of 2018 is by the Plaintiff seeking leave to amend to correct the name of Defendant No. 1 to **MUFJ Bank Limited**. I will allow this amendment and will also allow the cause title to be corrected to delete the names of Defendants Nos. 2 and 3 since the suit was dismissed as against those Defendants.

2. Amendment to be carried out on or before 14th December 2018 without need of reverification.

3. The Chamber Summons is disposed of in these terms. There will be no order as to costs.

4. Cross-examination of PW 1 is complete. PW2 has filed his Evidence Affidavit.

5. By consent, Ms Usha Rahi is appointed as a Commissioner and is requested to record the cross-examination of the Plaintiff's second witness.

- (a) The Commissioner is at liberty to exercise discretion under Order XVIII Rule 4(4) of the Code of Civil Procedure, 1908, to note the demeanour of the witnesses where necessary.
- (b) All cross-examination shall be conducted strictly in question and answer form.
- (c) The Commissioner will also be at liberty to direct that the whole or any part of the cross-examination should be video recorded for later reference of the court. Should that be done, the original audio-visual recording will be submitted along with the Commissioner's Report to the Registry.
- (d) Liberty to the parties as also to the Commissioner to apply in case of difficulty.
- (e) All re-examination will be conducted only in court.
- (f) Costs of the commission shall be borne equally by the parties.

- (g) Parties shall also pay costs of Rs. 500/- per hearing to the Court Clerk who attends the commission with court papers. This is required since these clerks attend the commission in addition to their regular duties and outside their normal working hours.
- (h) The Commissioner is not to permit any applications for adjournment on dates previously fixed, except where absolutely unavoidable. Counsel's inconvenience or unavailability does not constitute such unavoidability.

6. List the matter on 25th February 2019 for a status report including as to progress before the Commissioner.

(G. S. PATEL, J)