

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

CHAMBER SUMMONS NO.196 OF 2016

**IN
SUIT NO.1115 OF 1994**

Sajida M.Khokar)....Applicant/Plaintiff
V/s.

M/s.Bhakti Developers & Ors.and Shakira)
Wd/o Mohammed Arif Zindran & Ors.)....Defendants

WITH

CHAMBER SUMMONS NO.196 OF 2017

**IN
SUIT NO.1115 OF 1994**

WITH

NOTICE OF MOTION NO.1946 OF 2016

Mr.Y.R.Mishra for plaintiff/applicant in CHS 196/2016 and CHS 196/2017.

Ms.S.P.Trivedi/by A.Bharat and Co. for defendant/applicants in Notice of Motion No.1946/2016.

**CORAM : K.R.SHRIRAM,J
DATE : 11.9.2018**

P.C.:-

CHAMBER SUMMONS NO.196 OF 2017

1. Ms.Trivedi for defendants states that this chamber summons has not been served upon her. Mr.Mishra for applicant/plaintiff states that this Chamber summons had to be taken out because the applicant no.4 in Chamber summons No.196 of 2016 who sought to be joined as plaintiff 1(a)(iv) expired during the

pendency of Chamber summons No.196 of 2016 and what effectively sought is to delete his name from Chamber summons No.196 of 2016. Therefore, Chamber summons No.196 of 2017 is allowed and accordingly disposed.

CHAMBER SUMMONS NO.196 OF 2016

1 This chamber summons is to bring on record the applicant no.1(a) (i),(ii) & (iii) as plaintiffs in place of plaintiff no.1(a) Sajida Yunus Khokar who expired on 25.7.2015. Ms.Trivedi has no objection. Therefore, this Chamber summons is allowed in terms of prayer clause-(a) with the following clarification :-

“In prayer clause-(a) it will be 1(a) (i) (ii) & (iii) ”.

2 Chamber summons accordingly disposed. Amendment to be carried out and amended plaint to be served upon defendants within two weeks.

NOTICE OF MOTION NO.1936 OF 2016

1 I am informed that the evidence of PW-1 is still inconclusive. The commissioner to ensure that cross-examination of PW-1 is concluded by 31.10.2018. The Commissioner to fix minimum two/three dates per session for cross examination of PW-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 plaintiffs or the witness do not remain present, the Commissioner should close the evidence of PW-1 as not made available for cross and if the defendant does not remain present to cross examine the witness, the defendant's cross examination should be treated closed as no cross. Once the dates are fixed, the Commissioner not to grant adjournment on any ground whatsoever. Liberty to apply.

2 Notice of Motion accordingly disposed.

Jahagirdar
Kiran
Ganesh

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signed by
Jahagirdar
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(K.R.SHRIRAM,J)