

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.361 OF 2019

Dalichand Hastimal Oswal

And Another

... Applicants

Versus

The EDC Limited through

its General Manager

And Another

... Respondents

.....

Mr. Ameya V. Borwankar for the Applicants.

Mr. Padmakar Garad for Respondent No.1.

.....

CORAM : S.C. GUPTE, J.

DATE : 20 NOVEMBER 2019

P. C. :

. This Misc. Civil Application seeks transfer of Civil Misc. Application pending before the District Court at Panji, Goa to the District Court at Jalgaon, Maharashtra. The application is on the basis that the Applicants herein, who are senior citizens, Applicant No.1 being 85 years old and Applicant No.2 being 65 years old, are not in a position to take up the journey to Goa to attend the hearing of the Misc. Civil Application on every date of its hearing.

2 After the matter is heard at some length, it is agreed between learned Counsel for the parties after taking instructions from their respective clients that the order of the District Court at Panji, Goa

closing the evidence of the Applicants herein as respondents to the Misc. Civil Application pending before it, may be quashed and set aside and instead of having the proceeding transferred from Goa to Jalgaon, evidence of the Applicants herein, who are respondents to the Misc. Civil Application pending in Goa, may be recorded on commission at Jalgaon. It is agreed that the expenses of recording such evidence on commission shall be borne by the Applicants herein. The Misc. Civil Application is, accordingly, disposed of by setting aside the order of closure of evidence passed by it and requiring the District Court at Panji, Goa to record evidence of the Applicants herein in the Misc. Civil Application pending before it on commission at Jalgaon, Maharashtra. The Court Commissioner for recording such evidence may be designated by Respondent No.1 from amongst its panel of Advocates. The expenses of the commissioner as well as Respondent No.1's Advocate and representative to attend the meetings at Jalgaon for recording the Applicants' evidence shall be borne by the Applicants herein.

3 An email or scanned copy of the order authenticated by the Sheristedar of this court may be produced on the next appointed date before the District Court at Panji, Goa, who shall act on the same.

(S.C. GUPTE, J.)