

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

**CHAMBER SUMMONS NO. 312 OF 2019
IN
SUIT NO. 932 OF 2016**

Emcipi Electronics Pvt. Ltd. and anr. ..Applicants.

In the matter between

Emcipi Electronics Pvt. Ltd. and anr. ..Plaintiffs.

vs.

Enclave Hospitality Pvt. Ltd. and ors. ..Defendants.

Mr.A.M.Dhar I/by Yuvraj Patil for the Plaintiffs and Applicants in Chamber Summons.

Ms. Aditi Naikare I/by Pradeep Thorat for Defendant Nos. 1 to 3.

Mr. Atul Daga with Deepak Jain I/by Wadia Ghandy & Co. for Defendant Nos. 4 to 6.

CORAM : R.D. DHANUKA, J.

DATE : 01st March, 2019

PC :

1. By consent of the parties Mr. Rakesh Reddy, Advocate is appointed as Court Commissioner for recording the evidence of the witness of the plaintiff. The fees and expenses of the learned Court Commissioner shall be borne by both the parties equally at the first instance. In so far as other witnesses proposed to be examined by the plaintiffs are concerned, the

learned counsel for the plaintiffs states that the affidavit in lieu of examination in chief of those witnesses would be filed within two weeks from today. Copies of such affidavits shall be served upon the defendants through their respective advocates before the Court Commissioner. The learned Counsel further states that the plaintiffs do not propose to produce any document through the remaining witnesses. Statement is accepted.

2. In view of the statement made by the learned counsel for the plaintiffs, the remaining affidavits in lieu of examination in chief be filed before the learned Court Commissioner. In so far as evidence of the first witness is concerned, the learned Court Commissioner shall record the evidence of the said witness and submit the report before this court on or before 15.4.2019. Place the matter on board after evidence of the witnesses proposed to be examined by the plaintiffs is over. The parties would be at liberty to seek further directions after such evidence is over. Chamber summons is accordingly disposed off in the above terms. No order as to costs.

(R. D. DHANUKA, J.)