

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

CHAMBER SUMMONS NO. 866 OF 2016
IN
SUIT NO. 1797 OF 2012

Dimple Drums and Barrels Pvt. Ltd.
& Ors.

..Plaintiff/s

v/s.

Rajesh H. Kotadia & Ors.

..Defendant/s

Mr. Rohaan Cama, Counsel with Mr. Gaurav Mehta i/b. Bachubhai
Munim & Co. for the Plaintiff/s

Mr.Kedar Khambere h/f. Vijay Kanoria for the Defendant Nos.1 to 4.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 13TH MARCH, 2019.**

P.C.

1. This chamber summons was filed by the plaintiff for following
reliefs:

(a) that this Hon'ble Court be pleased to delete/strike off the
portions of the affidavit of defendant no.1 Mr. Rajesh H. Kotadia
dated 23rd November, 2015 in lieu of Examination in Chief as more
particularly set out in Schedule "A" ;

(b) in the alternative to the above, this Hon'ble Court be pleased to

permit the plaintiffs to ignore the portions of the Affidavit of Defendant No.1 Mr. Rajesh H. Kotadia dated 23rd November, 2015 in lieu of Examination in Chief as more particularly set out in Schedule “A” hereto, and to permit the Plaintiffs to not cross examine defendant no.3 thereon, without the consequences of an adverse inference being drawn against the Plaintiffs.

2. Both the parties have tendered Draft Minutes of Order. Same are taken on record and marked “X” for identification.
3. Chamber Summons is disposed of in terms of the draft Minutes of Order.
4. Place the suit on 3rd April, 2019 for marking of documents.

(ANUJA PRABHUDESSAI, J.)