

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL IP SUIT NO.4 OF 2001**

Maganlal Savant & Anr	..Plaintiff
Vs.	
Smt. Lakshmi P. Chakravorthy & Ors	..Defendants

Mr. Zain Mookhi I/b H. V. Kode for Plaintiff
Mr. Sanjeel Kadam I/b Murudkar and Co. for Defendant Nos. 1 and 1B.

**CORAM : K.R.SHRIRAM, J.
DATE : 26th JUNE 2019**

P.C.:

1 Mr. Mookhi for plaintiff states that plaintiff no.1 and defendant no.1(a) have both expired and he has taken out a chamber summons (l) no.815 of 2019, to delete plaintiff no.1 and defendant no.1(a). Mr. Mookhi states that plaintiff no.2 will prosecute the suit and as regards defendant no.1(a) her legal heirs are already on record and therefore, if the court is inclined to grant deletion of plaintiff no.1 and defendant no.1(a), then the chamber summons itself can be considered as disposed. Mr. Kadam has no objection.

2 Therefore, leave to delete plaintiff no.1 and defendant no.1(a) from the cause title is granted. Amendment to be carried out and amended cause title to be served on defendants within two weeks from today.

3 Chamber summons accordingly stands disposed.

4 Mr. Mookhi states that evidence affidavit of first plaintiff was filed earlier, but before his cross-examination could be conducted he expired. Mr. Mookhi states that now P.W.-2 will be filing evidence affidavit of its witness and also bringing on record further documents which were not produced through the first plaintiff. Mr. Mookhi states that liberty be granted to plaintiff to file further affidavit of documents, give inspection of the documents to defendant who could give their statement of admission and denial with reasons for denial, after receipt of which plaintiff will file the affidavits of his witness. Mr. Kadam has no objection but states that this should not preclude defendants from using evidence of original plaintiff no.1 to confront the next witness of plaintiff. Mr. Kadam is correct.

5 Further affidavit of documents to be filed and copy served within two weeks from today failing which parties will not be permitted to rely on any document, copy whereof is not annexed to the plaint and/or written statement and mentioned in the list of documents annexed to the plaint and/or written statement. This will not, however, prevent a party from confronting a witness of another party with any document. By 22nd July 2019, inspection to be completed. If inspection is not given, such party will not be permitted to rely on such document. By 22nd July 2019 statement of admission and denial with reasons for denial to be exchanged. If the statement of admission and denial is not given, parties shall be

deemed to have admitted the existence of all the documents of the other side. Evidence affidavit of plaintiff's witness to be filed by 31st July 2019.

6 Stand over to 7th August 2019, on which date plaintiff's witness shall remain present.

(K.R. SHRIRAM, J.)