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

**NOTICE OF MOTION NO.2183 OF 2019  
IN  
SUIT NO.1673 OF 1998**

Creative Garments Pvt. Ltd. ... Applicant/or. Def.No.1.

Shailesh H Bajaj ... Applicant/plaintiff.  
V/s.

Creative Outerwear Ltd.

And anr ... Defendants.

Mr. Nirman Sharma a/w Mr. Girishi Kedia, Mr. Harsh  
Behary, Mr. Manoj Agre, i/by G. B. Kedia, for applicant.  
Mr. Vivek M. Sharma i/by Prasad Das, for plaintiff.

**CORAM : N. J. JAMADAR, J.**

**DATE : 26<sup>th</sup> November, 2019.**

**PC. :**

1] Heard the learned counsel for the applicant.

2] The learned counsel for the applicant seeks leave to withdraw the  
Notice of Motion and also the assertions made in the affidavit in support of  
the Notice of Motion.

3] The Notice of Motion, thus, stands disposed of

4] As the recording of evidence has not progressed from July, 2019, the  
learned counsels for the parties agree that to obviate further delay, and  
allegations and counter allegations Ms. Michel Behl, advocate be appointed

as Court Commissioner to record further cross examination of P.W.1.

5] In view of the above, Ms. Mili Thakkar, the learned Commissioner, who was appointed by order dated 5<sup>th</sup> December,, 2018 stands discharged.

6] Mr. Michel Behl is hereby appointed, with the consent of both the parties, to record further evidence of P.W.1 in accordance with the terms contained in the order dated 5<sup>th</sup> December, 2018. The recording of evidence of P.W.1 be completed by 20<sup>th</sup> December, 2019.

7] The Notice of Motion stands disposed of.

8] Stand over to 07.01.2020.

[N. J. JAMADAR, J.]