

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1302 OF 2018

IN

SUIT NO. 660 OF 1996

WITH

SUIT NO. 684 OF 1992

Chirag International & ors. ...Applicants

In the matter between

M/s. Hakeem Food Products Pvt. Ltd. ...Plaintiff

Versus

Chirag International & ors. ...Defendants

Mr. Anirban Sen, i/b M/s. Hariani & Co. for the Plaintiff in
Suit No.660/1996 and for Defendant no.1 in Suit
No.684/1992.

Mr. Vijay B. Kanoria, for Defendant nos.1,

Mr. Vijay Thilakan, for Defendant nos.3, 4 and 6.

CORAM: N. J. JAMADAR, J.

DATED : 10th DECEMBER, 2019

PC:-

1. Heard the learned Counsels for the parties.
2. Chamber Summons No.1302 of 2018 is taken out by defendant no.1, 2 and 5 not to accept the averments in paragraph 24 of the affidavit in lieu of examination-in-chief of plaintiff's first witness Mr. Nazir Hakeem, dated 2nd April, 2014. The suit has been instituted for the damages for breach of contract arising out of a commercial transaction. The averments in paragraph 24, which are objected to by defendant nos.1, 2 and 5, attribute certain criminal antecedents to defendant no.2,

and the copies of news items published in newspapers are sought to be relied upon therein.

3. The said assertions in the paragraph 24 are not at all germane to the determination of fact in issue nor the news items published in the newspaper have any probative value.

4. The contents of paragraph 24 of the Affidavit in lieu of examination-in-chief tendered by Nazir Hakeem (DW-1) stand struck off.

5. The Chamber Summons stands accordingly disposed of.

6. The defendants shall make statement of admission and denial of the documents tendered by the plaintiff and furnish its copy within two weeks from today.

7. The plaintiff shall keep his first witness present for recording of further evidence and marking of documents.

8. Suits stand over to 6th January, 2020.

[N. J. JAMADAR, J.]