

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

**INTERIM APPLICATION NO. 1 OF 2019
IN
NOTICE OF MOTION NO. 3831 OF 1999
IN
SUIT NO. 469 OF 1978**

Sankalp Co-op. Hsg. Socy. Ltd.

.. Applicant
(Orig. Defendant No.1)

In the matter between :

Time Field Corporation

.. Plaintiff

Vs.

Sankalp Co-op.Hsg. Socy. Ltd.
& Ors.

.. Defendants

Mr.J.S. Kini a/w. Ms. Sapna Krishnappa for original plaintiff.

Mr.K.P. Anil Kumar a/w. Mr. Amit Saple, Ms. Priyanka Kumar and
Ms. Roshni Vipani for applicant/defendant No.1.

CORAM : N.J. JAMADAR, J.

DATE : 11TH NOVEMBER 2019

P.C.

INTERIM APPLICATION NO. 1 OF 2019

- 1.** Heard the learned counsel for the parties.
- 2.** The learned counsel for the applicant restricts the application to prayer clause (b). It is submitted that the witness of the applicant/original defendant has been examined in Notice of Motion No. 3831 of 1999. The witness for the plaintiff has tendered affidavit in lieu of examination-in-chief in terms of the order dated 22nd March 2018. The hearing in Notice of Motion No. 3831 of 1999 is at the stage of recording of

cross-examination of Pavan Jawale, who has tendered the affidavit in lieu of examination in chief.

3. In the aforesaid view of the matter, instead of dealing with the interim application at this stage, it would be in the fitness of things to decide the Notice of Motion No. 3831 of 1999, which is pending for adjudication since long.

4. Hence the interim application stands disposed of by directing that Notice of Motion No. 3831 of 1999 in suit No. 469 of 1978 be taken up for hearing on priority basis. The plaintiff shall keep Pawan Jawale (PW-1) present in Court for cross-examination today at 4:30 P.M.

5. The interim application stands disposed of.

[N.J. JAMADAR, J.]