

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

SUIT NO.480 OF 2010

Rajesh Khilnani ...Plaintiff
vs.
Zahid Hussein Khan and Another ...Defendants

**WITH
SUIT NO.169 OF 2010**

Zahid Hussein Khan and Another ...Plaintiffs
vs.
Rajesh Khilnani ...Defendant

**WITH
NOTICE OF MOTION NO.378 OF 2012
WITH
NOTICE OF MOTION NO.184 OF 2010**

Mr. R.V. Pai, Sr. Counsel a/w. Mr. Siddhant Joshi i/b. Ms. Neuty Thakkar, for the Plaintiff in Suit No. 480 of 2010 and for Defendant No. 1 in Suit No. 169 of 2010 and for Defendant No. 1 in Notice of Motion No. 378 of 2012.

Mr. Laxminarayan Shukla i/b.MKS Legal Associates, for the Plaintiff in Suit No. 169 of 2010.

**CORAM : N. J. JAMADAR
DATE : MARCH 03, 2020**

P.C.:

Suit No. 169 of 2010 :-

. Heard the learned counsel for the parties.

2. The learned counsel for the Plaintiffs submits that the Plaintiff's first witness is not present before the Court despite the efforts having been made to contact the witness and keep him present before the Court. It seems that the Plaintiffs are not interested in prosecuting the Suit No. 169 of 2010.

3. Hence, the Suit No. 169 of 2010 stands dismissed for want of prosecution.

Suit No. 480 of 2010 :-

4. The learned counsel for the Plaintiff seeks time to file affidavit in lieu of examination in chief of Plaintiff's first witness. The Plaintiff shall file affidavit in lieu of examination in chief of Plaintiff's first witness within a period of four weeks and serve copy thereof on the Defendants.

5. The learned counsel for the Defendants shall make a statement of admission and denial of the documents filed on behalf of the Plaintiff.

6. The Plaintiff shall keep its first witness present for recording further evidence and marking of the documents.

7. List Suit No. 480 of 2010 along with Notice of Motion No. 184 of 2010 in Suit No. 169 of 2010 on 31st March, 2020.

(N. J. JAMADAR, J.)