

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 569 OF 2022**

The Synthetic & Rayon Textiles
Export Promotion Council

... Petitioner

V/s.

D.B. Realty Limited

... Respondent

Mr.Satyan N. Vaishnav a/w. Mr.Nupur Mukherjee i/b.N.N. Vaishnawa & Co. for
Petitioner.

Mr.Aseem Naphade i/b. Negandhi Shah & Himayatullah for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 23rd March 2022.

PC. :

1. The present Petition was heard extensively yesterday i.e. 22nd March 2022. In view of the deliberations which took place during the course of arguments, Mr.Naphade, learned counsel for the Respondent, on instructions submitted that, the witness namely Mr.Abdulla Patel (PW.-1) will make himself available for further cross-examination by the Petitioner/Original Defendant. He submitted that, liberty may be granted to the Respondent/Original Plaintiff to cite or lead evidence of additional witnesses, if so advised and as may be permissible under the law.

2. The said submission made by the learned counsel for the Respondent is not seriously opposed by the learned counsel for the Petitioner.

3. In view thereof, the impugned Order dated 2nd December 2021 is

quashed and set-aside by consent of the learned counsel for the respective parties.

4. The Plaintiff is directed to keep its witness Mr.Abdulla Patel (PW.-1) present before the Trial Court, seized of T.E.& R. Suit No.88/109 of 2012 for further cross-examination of the Petitioner, as per the date so fixed by the Trial Court.

5. The Petitioner shall make an endeavour to conclude the cross-examination of the said witness as expeditiously as possible.

6. The learned Judge of the Trial Court is requested to record evidence of the said witness *inter-alia* to conduct cross-examination of the said witness preferably on day-to-day basis and in any event within one week from his first appearance.

7. Both the parties herein are requested to cooperate with the learned Judge of the Trial Court in recording the evidence of the said witness, namely, Mr.Abdulla Patel (PW.-1).

8. The Respondent/Original Plaintiff is at liberty to cite additional witnesses, if so advised and as may be permissible under the law. The said application will be considered by the Trial Court on its own merits.

9. Petition is disposed off in the aforesaid terms.

[A.S. GADKARI, J.]