

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

INTERIM APPLICATION NO.1565 OF 2021

IN

COMMERCIAL SUIT NO.30 OF 2015

Indian Bullion Market Association Ltd. .. Applicant-Plaintiff

Vs.

SNP Designs Pvt. Ltd. and Ors. .. Defendants

Mr. S.H. Jagtiani, Sr. Advocate, with Mr. C.S. Kamdar, i/by Mr. A.S. Marathe,
for the Applicant-Plaintiff.

None for the Defendants.

CORAM : A. K. MENON, J.

DATE : 6TH JANUARY, 2022.

[THROUGH VIDEO CONFERENCE]

P.C. :

1. This is an interim application moved by the plaintiff seeking issuance of summons to one Rajiv Kejriwal, said to be the former employee of the plaintiff. The suit is scheduled to be disposed ex-parte pursuant to the order dated 4th December 2020. Mr. Jagtiani therefore submits that he has instructions to proceed with the suit.

2. The relief is being sought in the IA pursuant to the order passed at the Case Management Hearing on 4th December 2020. Mr. Jagtiani submits that Rajiv Kejriwal is a key witness; however he is unwilling to file an affidavit-of-evidence and is therefore required to be summoned.

3. In the facts of the case, I see no reason why this IA should be kept pending since the suit is to now to be proceeded ex-parte. I am of the view that this application can be disposed. In view thereof, I pass the following order :-

- (i) Interim Application is made absolute in terms of prayer clause (a).
- (ii) Issue witness summons to Mr. Rajiv Kejriwal, returnable on 24th February 2022. The summons to be served on both the addresses of the witness at B-1102, Octacrest, Lokhandwala Township, Akurli Road, Kandivali (West), Mumbai – 400 101 and at A-1401, Venus, Vasudev Planet, Off Kanakia Road, Mira Road (East), Thane – 401107 by regular mode of service and also by e-mail.
- (iii) The plaintiff shall file affidavit-of-documents within four weeks from today. It is made clear that no further time will be granted. Original documents shall be kept ready in a compilation, duly indexed chronologically, and shall be kept ready for production on 24th February 2022.
- (iv) Should the witness – Rajiv Kejriwal be inclined to file an affidavit-of-evidence, let such affidavit be filed on or before 14th February 2022.
- (v) List the Suit on 24th February 2022.

(A.K. MENON, J.)