



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9143 OF 2023

Jam-e-Jamshed Private Limited.

..Petitioner/s

v/s.

Madhusudan Brijlal Vakharia & Ors.

..Respondents

Mr.Akshay Chavan h/f. Sukeshi Bhandari for the Petitioner/s.
Mr. Darshit Jain i/b. Jal Daruwala for the Respondent Nos.1 and 2.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 8th SEPTEMBER, 2023.**

P.C.

1. The petitioner herein has challenged order dated 1.04.2023, whereby the learned Judge, Small Causes Court, Mumbai has allowed cross-examination of DW1 on commission. By the impugned order, the learned Judge has appointed the Court Commissioner to record cross examination of DW1 at his office address and has further directed the petitioner-plaintiff to deposit sum of Rs.5000/- towards Court Commissioner fees.

2. Learned Counsel for the petitioner and respondent state that the connected Writ Petition No. 9145 of 2023 has been disposed of on 29.08.2023 and this petition can be disposed of in the same terms.

3. In the light of the statement made by learned Counsel for the respective parties, the petition stands disposed of with directions to appoint Court Commissioner to record examination of DW1-Madhusudan Brijlal Vakharia and re-examination if any, in the Library of Small Causes Court, Mumbai, within a period of three weeks. The respondent-defendant shall deposit Rs.5000/- towards fees of the Court Commissioner within a period of 15 days from the date of this order.

. Petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)