



the Commissioner fixed the next date for recording of deposition of witnesses as 10.07.2023 and also stated that the fact of filing of such an application before the concerned Court at USA, may be brought to the notice of this Court.

3. Today, learned counsel for the petitioner submitted that the recording of evidence by the Commissioner and compliance of the order of this Court may be deferred, in the light of the aforesaid application before the concerned Court at USA.

4. This Court is of the opinion that mere filing of an application before the concerned Court at USA, cannot be a ground to defer recording of evidence in terms of the order of this Court. It would amount to violation of the order dated 28.03.2023 passed by this Court. Since the Commissioner has already fixed the next date of recording of evidence as 10.07.2023, this Court is not advancing the date. Nonetheless, the Commissioner is directed to complete the commission at the earliest and to start recording of evidence on 10.07.2023.

5. The Commissioner need not defer the matter, only for the reason that the petitioner has filed the aforementioned application in the concerned Court at USA.

6. The matter shall now be listed on 21.07.2023, for compliance.

(MANISH PITALE, J)

*Priya Kambli*