



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12082 OF 2023

Tata Consumer Products Limited

.....Petitioner

Vs.

The New India Assurance Co. Ltd. and another

.....Respondents

Mr. Vineet Naik, Senior Advocate i/b Mr. Vaibhav Mehta alongwith Mr. Gurudas Gorwadkar for the petitioner

Mr. V. U. Sanglikar with Ms. Vaishali Ugale for respondent

CORAM : GAURI GODSE, J.

DATE : 11th JANUARY 2024.

P.C.

1. Heard. The learned senior counsel for the petitioner on instructions states that the petitioner is ready to give an undertaking to this court to abide by the timelines fixed for completing the cross-examination of respondent no. 1's witnesses and also complete the evidence of the petitioner's witnesses as per the schedule fixed by the Estate Officer. The learned counsel for respondent no. 1 on

instructions states that if the petitioner is put to terms for expeditious completion of the proceedings, respondent no. 1 has no objection if the impugned order is set aside. In view of the statements made on instructions by the learned counsel for the petitioner as well as respondent no. 1, the petition is disposed of by passing the following order:

I. Petitioner is permitted to delete respondent no. 2 as the petitioner is challenging only the rejection of the petitioner's application praying for setting aside the order of 'No cross' of respondent no. 1's witness no. 1. Amendment to be carried out forthwith.

II. By consent of the parties, the impugned order dated 16th June 2023 passed by the learned Estate Officer of New India Assurance Company on the petitioner's application dated 6th January 2023 is quashed and set aside and the petitioner is permitted to cross-examine respondent no. 1's witness no. 1.

III. Petitioner undertakes to complete the cross-examination of respondent no. 1's witness no. 2 as per the schedule that will be fixed by the Estate Officer.

IV. After completion of the cross-examination of respondent no. 1's witness no. 2, the petitioner undertakes to complete the cross-examination of respondent no. 1's witness no. 1 as per the schedule that will be fixed by the Estate Officer.

V. The petitioner undertakes to comply with the order dated 6th December 2021 passed by the Estate Officer and file compilation of documents within two weeks from today with an advance copy to respondent no. 1.

VI. The petitioner also undertakes to give inspection of the documents submitted by the petitioner.

VII. The petitioner undertakes to file affidavit of examination-in-chief of the petitioner's two witnesses as per the schedule that will be fixed by the Estate Officer.

VIII. The petitioner also undertakes that adjournment will not be asked for by the petitioner and the timelines fixed by the Estate Officer shall be strictly complied with.

IX. The aforesaid order is passed subject to payment of the cost of Rs. 50,000/- to be paid to respondent no. 1 by the petitioner within two weeks from today.

X. If the cost is not paid, the petition will stand dismissed without further reference to the Court.

2. The petition is disposed of in the above terms.

3. All concerned to act on an authenticated copy of this order.

[GAURI GODSE, J.]