

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

WRIT PETITION NO. 16361 OF 2025

Sarah Taiyeb Fidvi & Anr.

...Petitioners

Versus

Surendra Lakhmal Hiranandani

...Respondent

Mr. Pralhad Paranjpe, Ms. Shubra Swami, a/w. Ms. Fatema Kachwalla, Mr. Dishay Chitalia i/by J. Sagar Associates, for the Petitioners 1 and 2.

Mr. Shardul Singh a/w. Ms. Prerna Gandhi, Mr.. Anish Shahapurkar and Ms. Priya Gandhi, for Respondent

CORAM: MADHAV J. JAMDAR, J.

DATED: 11 DECEMBER 2025

P.C.:

1. Heard, Mr. Paranjpe, learned Counsel appearing for the Petitioner and Mr. Shardul Singh, learned Counsel appearing for the Respondents.

2. At the outset, Mr. Paranjpe, learned Counsel appearing for the Petitioner, on the instructions of the Petitioners, states that although in this Writ Petition the challenge is also to the order dated 26th November, 2025 passed below exhibit '111' in RAE Suit No. 761 of 2025, he has instructions not to press the challenge to said order dated 26th November, 2025 passed in RAE Suit No.761 of 2025, if order dated 11th November, 2025 is modified to certain extent.

3. The operative part of the impugned order dated 11th November, 2025 reads as under :

“1. The Court Commissioner Advocate Mr. Gaurav Dave shall hold proceedings at least thrice a week and each sitting shall not be of less than two hours’ duration. **The Court Commissioner shall conclude the recording fo the remaining cross-examination of PW-1 within forty-five (45) days and shall submit his report to this Court on or before 6th January, 2025, without fail.**

2. The Court Commissioner shall make audit recordings of the cross-examination proceedings for each sitting and shall submit a consolidated soft copy of the said audio recordings in a sealed envelope along with his report. The defendants shall bear the expenses, if any, incurred for such audio recording.

3. The order dated 14th October, 2025 passed below Exhibit 01, shall stand modified to the extent of the directions contained herein and shall be read accordingly.

4. Issue fresh writ forthwith to the Court Commissioner.”

(Emphasis added)

4. By consent of parties, the time limit specified in Clause No.1 of operative part by the learned Judge of the Small Causes Court as 45 days is extended till 28th January 2026 and time limit of 6th January, 2025 is extended till 31st January, 2026.

5. It is clarified that the impugned order dated 4th November 2025

passed in R.A.E. Suit No. 761 of 2021 is confirmed , subject to above modification.

6. Accordingly, Writ Petition is disposed of.

[MADHAV J. JAMDAR, J.]