

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

**INTERIM APPLICATION NO. 10653 OF 2025
IN
WRIT PETITION NO. 17329 OF 2024**

The Rishabh Velvella Ltd ...Applicant
Vs.

Indofill Industries Ltd ...Respondent

Jayendra D. Khairnar a/w Gauri Kulkarni i/by Asha Shah	Advocate for the Applicant
Harshad M. Inamdar	Advocate for the Respondent

CORAM : S. M. MODAK, J.

DATE : 22nd AUGUST 2025

P. C. :-

1. Mentioned out of turn.
2. Heard both the sides.
3. The trial Court as per order dated 10.09.2024 passed in Notice of Motion of 2833 of 2024 was pleased to allow the notice of motion in terms of prayer clauses (b) and (c) to the extent that the Court Commissioner was discharged and the cross-examination of the

defendant was to be recorded physically in the Court. This order was challenged by the defendant by way of Civil Writ Petition No. 17329 of 2024. This Court has disposed of Writ Petition as per order dated 09.12.2024. The defendant stays at Haridwar, Uttarakhand. A direction was given to record the evidence of the defendant by fixing certain time limit.

4. This order was challenged by the defendant before the Hon'ble Supreme Court. The SLP was disposed of on 21.04.2025. The Hon'ble Supreme Court ascertained the availability of the video conferencing. Accordingly, the liberty was granted to the defendant to move this Court and that is why present interim application is moved.

5. Today both the learned Advocates submitted that the Plaintiff is ready to go to Haridwar and let the Court Commissioner be appointed to record his evidence.

6. This Court feels that this request could be jointly made before the trial court, because the trial Court is proper Court which can supervise execution of the Court Commissioner. In view of that liberty is granted to both the parties to approach the trial court for appointment of the Court commissioner to record the evidence of the

defendant. Both the Parties are at liberty to suggest the name, once it is done, the trial court to pass necessary order.

7. Accordingly, Interim Application is disposed of.

[S. M. MODAK, J.]