

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1378 OF 2025
IN
SUIT NO. 523 OF 2013**

Pramod Pitambar Sheth ... Applicant

In the matter between :

M/s. Pancham Associates and others ... Plaintiffs

Versus

Ms. Vijaya Manohar Sheth and others ... Defendants

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Mr. Vijay Gharat, Advocate for the Plaintiffs.

Ms. Sapna Krishnappa instructed by Mr. Deepak Thakare, Advocate for the Defendant No.3.

Mr. Pramod Pitambar Sheth, witness, present.

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CORAM : ABHAY AHUJA, J.

DATE : 24 NOVEMBER 2025

P.C. :

Interim Application No.1378 of 2025 :

1. Mr. Gharat, learned Counsel, appears for the Applicant and submits that the rejoinder is ready.
2. Registry to accept the rejoinder.
3. Let copy of the same be furnished to the learned Counsel for the Defendant No.3. Learned Counsel for the Defendant No.3 submits that matter be heard.
4. Accordingly, this Court is hearing the matter.

5. After this matter has been heard in the morning session and briefly in the afternoon session, both the learned Counsel submit that the Interim Application can be disposed of by marking the documents referred to in the prayer (a) as Exhibits, subject to proof and without admitting the allegations made by the Applicant in the Application against the Defendant.

6. Accordingly, Mr. Pramod Pitambar Sheth, the Plaintiff's witness No.1 is requested to step into the witness box and is administered oath by the learned Court Associate.

PW-1 :

Name : Pramod Pitambar Sheth
 Age : 70 years
 Occupation : Business
 Address : 101, Blue Bird Apartment, Kirti College Lane,
 Prabhadevi, Mumbai – 400 028.

Further Examination-in-chief of Mr. Pramod Pitambar Sheth – PW-1 on S.A. :

(Witness is shown affidavit in lieu of examination-in-chief dated 13th December 2018 filed under Order XVIII, Rule 4(1) of the Code of Civil Procedure, 1908 and the documents at Serial Nos.16, 17, 18 and 19 marked as Exhibits X-1 to X-4 respectively.)

7. In view of the above, the documents at Serial Nos.16, 17, 18 and 19 which have been respectively marked as X-1, X-2, X-3 and X-4 vide order dated 29th July 2019 are marked as **Exhibits P-17, P-18, P-19 and P-20 respectively**, subject to proof.

8. The witness – Pramod Pitambar Sheth (PW-1) is discharged.
9. The Interim Application accordingly stands disposed.
10. The contentions in respect of the allegations made by the Applicant against the Defendants are however kept open.

Suit No.523 of 2013 :

11. Since the documents of the Plaintiff's 1st witness have been marked, the learned Counsel submit that this Court may appoint the Commissioner for recording cross examination of the Plaintiff's witness.
12. This Court has suggested the name of Advocate Mr. Abhishek Karnik. The learned Counsel are agreeable. Accordingly, Advocate Mr. Abhishek Karnik, learned Counsel of this Court, is appointed as Commissioner to record the cross-examination of the Plaintiff under the following directions :

- (a) The Commissioner is at liberty to exercise discretion under Order XVII Rule 4(4) of the Code of Civil Procedure, 1908, to note the demeanour of the witnesses where necessary.
- (b) All cross-examination shall be conducted strictly in question and answer form.
- (c) The Commissioner will also be at liberty to direct that the whole or any part of the cross-examination should be video recorded for later reference of the Court. Should that be done, the original audio visual recording will be submitted along with the Commissioner's Report to the Registry.

- (d) Liberty to the parties as also to the Commissioner to apply in case of difficulty.
- (e) All re-examination will be conducted only in court.
- (f) Parties shall also pay costs of Rs.500/- per hearing to the Court Clerk who attends the commission with Court Papers. This is required since these clerks attend the commission in addition to their regular duties and outside their normal working hours.
- (g) The Commissioner is not to permit any applications for adjournment on dates previously fixed, except where absolutely unavoidable. Counsel's inconvenience or unavailability does not constitute such unavoidability.

13. The contact details of Advocate Abhishek Karnik are as under :

Name : Abhishek Karnik, Advocate
Address : Chambers of Dr.Saraf, Senior Advocate,
302, Oval House, British Hotel Lane,
Lane Opposite Commerce House,
Nagindas Master Road, Fort,
Mumbai – 400023
Mobile No. : 9930352706
Email Id : adv.amkarnik@gmail.com

14. Parties and Counsel to co-operate with the learned Commissioner. The fees/charges and costs of the Commissioner to be borne equally by the Plaintiffs and the Defendants.

15. List on **2nd February 2026**.

(ABHAY AHUJA, J.)