

IN THE COURT OF SMALL CAUSES AT MUMBAI**ORDER BELOW EXHIBIT 78****IN****R.A.E. SUIT NO.1455 OF 2015
(CNR : MHSCA2-002550-2015)**

Mrs. Shamsi Malek Malekpur ... Plaintiff

v/s

Pems Investment Pvt. Ltd. ... Defendant

Advocate for the plaintiff : Mr. D.J. Merchant
Advocate for the defendant : M/s. K. P. Tiwari & Co.

**Coram : K. M. Jaisingani,
Judge, C.R.No.15,
Date : 19.11.2019**

ORDER

1. Heard both the sides. The plaintiff wants to examine Dr. Nilesh Chinchkar to prove his medical papers. In the interest of justice, I find it proper to permit the plaintiff to examine the said witness.

2. The plaintiff has also prayed to examine the said witness by appointing court commissioner. The application is opposed by defendant on the ground that the plaintiff wants to delay hearing of the suit. But it appear from the submission of the plaintiff that witness cannot come in the court by attending his other work. Under such circumstances, it is

just and proper to appoint court commissioner for recording evidence of the said witness.

3. For the aforesaid reasons, advocate Mr. Darayas Chacha on the panel of commissioner of this court is appointed as court commissioner to record the evidence of the said witness on payment of commissioner fees Rs. 3000/-. The writ of commission be issued after payment of commissioner fees. The witness and parties be informed in advance about the date on which the commission is to be executed by commissioner. The evidence of the said witness be recorded only in one sitting. The respective advocate for both the parties to co-operate the court commissioner in execution of his duties. Accordingly, the application is allowed.

(K. M. Jaisingani)
Judge, C.R.No.15
19.11.2019

Dictated on : 19.11.2019
Checked & signed on : 21.11.2019