

IN THE COURT OF SMALL CAUSES, AT MUMBAI
ORDER BELOW EXH.25
IN
R.A.E. SUIT NO. 2000 OF 2014

The Cricket Club of India Ltd.	. . Plaintiffs.
<i>Versus</i>	
Indian Bank's Association	. . Defendants.

Coram	:	S. B. Todkar, Judge, C.R.No.11 Date : 26/10/2021.
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ORAL ORDER :

1. This is an application filed on behalf of plaintiff company for plaintiff's witness Ms. Nandini Dwivedi be dispensed from cross examination and her evidence be struck off, permission to lead further evidence and for return of documents produced alongwith the affidavit of Ms. Nandini Dwivedi.

2. Perused the application and say. Heard Ld. Advocates of both the sides.

3. I have gone through the record. It appears from the record that the affidavit of Mrs. Nandini Krishnakumar Dwivedi has filed on record below Exh.18 on 17/1/2020 alongwith list of documents Exh.19. It also appears from the record that documents which are produced alongwith Exh.19 are already exhibited by my Ld. Predecessor on 24/1/2020. It is the contentions of plaintiff company that the witness left the service of plaintiff company, therefore, it is not possible to witness to remain present for cross examination. It is necessary to give an opportunity to the plaintiff to

prove its case. If the application is allowed and permission granted to the plaintiff to lead further evidence, no prejudice will be caused to the defendants. There is no provision in the Code of Civil Procedure, 1908, to struck the evidence which is already on record. Documents produced on behalf of plaintiff company are already exhibited. Therefore, it will not proper to return that documents. Considering the facts and circumstances, in the interest of justice, I proceed to pass the following order.

ORDER

1. Application is partly allowed.
2. The plaintiff company is permitted to lead further evidence through their new witness by filing fresh evidence.
3. Remaining prayers are rejected.

Sd/-

[S. B. Todkar]

Judge, Court of Small Causes, Mumbai.
[Court Room No.11].

Date : 26/10/2021.

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