

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

WRIT PETITION NO.2848 OF 2014

National Rayon Corporation Limited

Now known as NRC Ltd.

.. Petitioner

Versus

State of Maharashtra and another

.. Respondents

**Shri. Vaibhav Sugdare a/w Ms. Rashmi Salian i/by Vigil Juris, for the
Petitioner.**

**Shri. A. B. Vagyani GP with Shri. P. G. Sawant, AGP for Respondent
Nos.1 and 2.**

**Shri. Mahendra Vasant Patil, Deputy Engineer, Thane Minor Irrigation
Division, Thane is personally present in Court.**

CORAM : R.M. SAVANT, J.

DATE : 12th MARCH, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against four orders i.e. order dated 5th February, 2014, 7th February, 2014, 14th February, 2014 and 28th February, 2014. By the said orders applications Exh.117, Exh.119 and Exh.120 for setting aside the “No evidence” order passed against the Petitioner/original Plaintiff came to be rejected. The said rejection is on the ground that though the suit has been kept for the said purpose, the Plaintiff has not chosen to lead their evidence. It is the case of the Plaintiff that it did not lead evidence as it wanted to challenge the

order passed on Exh.109 in this Court and therefore, did not lead evidence. The order passed on Exh.109 is challenged in the companion Writ Petition No.2847 of 2014. In view of the fact that by an order passed today in the companion Writ Petition No.2847 of 2014, by which additional issues are framed, the impugned orders would have to be quashed and set aside and are accordingly quashed and set aside. The parties would be entitled to lead evidence including on the issues which were already framed as also now directed to be framed by virtue of the order passed in the companion Writ Petition No.2847 of 2014. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]