

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4666 OF 2014

Smt. Satinder Arora	..	Petitioner
VS.		
Smt. Neena Naresh Kumar Khatri & Ors.	..	Respondents

Mr. Rajesh Singh for Petitioner.
Mr. D. B. Sawant for Respondent Nos. 1 to 6.

CORAM : M. S. SONAK, J.
DATE: 30 JUNE 2015

P.C. :-

1] This petition challenges order dated 19 April 2014 made by the appellate bench of the Small Causes Court declining the petitioner an adjournment on 19 April 2014 to continue the arguments in the appeal instituted by the petitioner.

2] The learned counsel for the petitioner, by reference to the dates posted on the website and also the roznama, submitted that the petitioner's arguments had not been concluded and further, on 19 April 2014, there was reasonable cause for not attending the Court, since the petitioner's Advocate was held up in some arbitration proceedings elsewhere. The learned counsel for the petitioner also submitted that on the same date, an application was

made seeking leave to argue the matter, however even the same was declined by the impugned order.

3] The appeal in which the impugned order dated 19 April 2014 has been made, has already been disposed of. Perusal of the record, including the dates on the website and the roznama indicates that sufficient opportunity was not only afforded to the petitioner but further, the petitioner has also availed of the same. The matter was virtually argued over three sessions and on 19 April 2014, neither the petitioner nor his Advocate remained present when the matter was called out. Accordingly, taking into consideration the circumstance that the petitioner had already been afforded opportunity and further, such opportunity had been availed by the petitioner, the respondent in the said appeal was heard and the matter was posted for orders. The impugned order records that '*argument is heard in toto*'.

4] Apart from the aforesaid, it is settled position in law, that records of the Court as reflected in its orders or roznama are not to be lightly doubted, on basis of some case made out before the higher Courts. Proper procedure in this regard is to move the same Court for correction of its records. Such a course has not been adopted by the petitioner, possibly because the petitioner was

granted more than ample opportunity to make his submissions in the matter. This is an additional reason which persuades this Court not to entertain this petition. The petitioner has preferred separate petitions challenging the orders made in appeal by the appellate court. The same shall be considered separately on their own merits. However, there is no reason to interfere with the impugned order dated 19 April 2014 and by now the petition against the same has also been rendered infructuous against the same.

5] For all the aforesaid reasons, writ petition no. 4666 of 2014 is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka