

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

WRIT PETITION NO.4277 OF 2015

**Yusuf Bakirali Bhanpurawala : Petitioner
versus
Mohanlal Ghanshamdas Kukreja and ors. : Respondents.**

**WITH
CIVIL APPLICATION NO.2205 OF 2015
IN
WRIT PETITION NO.4277 OF 2015**

Mohanlal Ghanshamdas Kukreja : Applicant.

In the matter between

**Yusuf Bakirali Bhanpurawala : Petitioner
versus
Mohanlal Ghanshamdas Kukreja and ors. : Respondents.**

**Mr. Mayur Khandeparkar i/by Meghraj & Associates for the Petitioner.
Mr. Prakash Ganwani i/by Khosala Rajrani Daleep for the Respondent
No.1 and the Applicant in Civil Application.
Mr. Hridhay Khurana i/by L J Law for the Respondent No.2.**

**CORAM : R. M. SAVANT, J.
DATE : 31st August 2015**

P.C.

1 The above Petition takes exception to the two orders i.e. the order dated 31/03/2015 and the order dated 10/04/2015. By the first order the evidence of the DW 2 was closed in view of the fact that the witness DW 2 was late in coming to the Court, and therefore, the Trial Court directed his evidence to be closed and the suit was set down for arguments. By the second order the application filed on behalf of the Defendant No.2(b) for recall of the said order

dated 31/03/2015 came to be rejected.

2 Having regard to the nature of the orders passed by the Trial Court and the consequences thereof the learned counsel appearing on behalf of the parties i.e. Shri Khandeparkar appearing for the Petitioner – original Defendant No.2(b), and Shri Ganwani appearing for the Respondent No.1 – original Plaintiff are agreeable to both the orders being set aside and the suit to be relegated back to the position on which it was on 31/03/2015. In view of consensus between the learned counsel for the parties both the impugned orders are quashed and set aside and the following directions are issued :-

- A] The witness DW-2 to remain present in the Trial Court on 3/9/2015 when the suit is to come up before the Trial Court. The Trial Court would proceed with the cross examination of the said DW-2 on the said day or on any other day it fixes for the same as per its convenience.
- B] The cross examination of the DW-2 to be continuous till its completion. The learned counsel for the Respondent No.1 herein Shri Ganwani assures the Court that the cross examination would be completed as expeditiously as possible and not more than 3 dates would be taken for the same.

- C] The learned counsel for the parties further state that their respective clients would withdraw the allegations made against each other in the above Petition. Statement accepted.
- D] The suit in question is expedited.
- E] With the aforesaid directions, the above Writ Petition is disposed of. In view of the disposal of the Writ Petition, the Civil Application No.2205 of 2015 does not survive and the same to accordingly stand disposed of as such.

[R.M.SAVANT, J]