

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 10641 OF 2015**

Bhavna Bharat Jain

... Petitioner

vs.

Mumbai Housing & Area Development
Authority (MHADA) & Ors.

... Respondents

.....

Mr. D.H. Shukla for the petitioner.

Ms. Neha Bhide for respondent no. 1 and 2.

Mr. A.R. Singh for the respondent no.3

....

CORAM : M.S. SONAK, J.**DATE : 18th NOVEMBER, 2015.****P.C.:**

1. Rule.
2. By consent and at the request of the learned counsel for the respondent rule is made returnable forthwith.
3. This petition challenges the order dated 28/09/2015 made by the Competent Authority declining opportunity to the petitioner to cross examine PW1 i.e. the officer applicant MHADA (Respondent No.1 herein).
4. It is the contention of the learned counsel for the petitioner that the MHADA was granted several opportunities to file affidavit in lieu of examination in chief of its officers but when the petitioner applied for adjournment on the ground that he was unwell, such opportunity has been declined. In support the petitioner has placed on record the Roznama. The learned counsel for the respondents however

submits that at least 3 to 4 opportunities were granted to the petitioner to proceed with the cross examination and that the petitioner went upon delaying the proceedings.

5. Having heard the learned for the parties and perused the material on record which in interests of justice, at least one further opportunity is required to be granted to the petitioner. The learned counsel for the petitioner has assured this court that petitioner would proceed with the cross examination on the next date i.e. 24/11/2015 without seeking any adjournment or making any excuse. The statement is accepted. On the basis of the same, the impugned orders declining opportunity to the petitioner to cross PW1 or refusing to recall the said orders are set aside. The petitioner to proceed with the cross examination on 24/11/2015 without any excuse.

6. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

7. The parties to appear before the competent authority on 24/11/2015 which is even otherwise the date fixed for the competent authority in the matter. All concerned to act on authenticated copy of this order.

(M.S. SONAK, J.)