

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.945/2015

Nirdosh Kumar s/o Radheshyam Chourasiya

..Versus..

Narendra s/o Dhanji Mehta and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 20.7.2015

Heard Shri Nirdosh Kumar Radheshyam Chourasiya the petitioner in person and Shri V.V. Bhangde, the learned advocate for the respondents.

The petitioner/plaintiff has filed this petition challenging the order passed by the trial Court, allowing the application (Exh. No.60) filed by the respondents/defendants praying for setting aside "no cross" order. By the impugned order, the learned trial Judge has granted an opportunity to the defendants to cross-examine the witnesses of the plaintiff subject to payment of costs of Rs.2,000/-.

The respondents/defendants paid the amount of costs which was accepted by the petitioner/plaintiff before filing of the petition. In paragraph no.8 of the petition it is stated that the petitioner

inadvertently accepted the amount of costs. It is admitted fact that the cross-examination of the witnesses of plaintiff is completed on 14th July, 2015.

I do not find any illegality in the impugned order which necessitates the interference by this Court in the extraordinary writ jurisdiction. Apart from this, in view of the facts stated above, the extraordinary writ jurisdiction is not required to be exercised. The petition is dismissed. In the circumstances, the parties to be bear their own costs.

As the civil suit is of 2007, the learned trial Judge is requested to dispose of the civil suit within three months.

JUDGE

Tambaskar.