

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.11284 OF 2015

**Fakeersab S/o Mohamadsab Mujawar and others Vs. Vs. Yasmin
D/o Ayub Mujawar and others**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.Madde S.B., advocate for the Petitioners
Mr.R.G.Ashtekar, advocate for Respondent Nos.1 to 3.
Mr.K.B.Jadhav, advocate for the Respondent No.5.
Mr.P.A.Pisal advocate for Respondent No.6.

CORAM : S.V.GANGAPURWALA, J.
Date : 21.03.2016.

PER COURT :

1. Heard.
2. The application for setting aside no cross order is rejected.
3. Mr.Ashtekar, learned counsel for the Respondent opposes the petition and submits that no plausible reason is given in the application for setting aside no cross order.
4. According to Mr.Madde, learned counsel, the petitioner was ill and because of ailment could not attend and instruct the advocate.
5. The suit is a substantive suit for declaration and injunction concerning the right in an immovable property. The examination-

in-chief is filed on 14.4.2015 and an application to set aside no cross order is passed on 26.10.2015. Considering the nature of the suit, I am inclined to grant one more opportunity to the petitioner, however, the petitioner deserves to be mulct with costs.

6. In the result, I pass the following order :

a) The impugned order rejecting the application for setting aside no cross order is set aside and the said application filed by the petitioner is allowed subject to payment of cost of Rs.5,000/- (Rupees five thousand) to the original plaintiffs on or before 15.4.2016. The petitioner shall not seek further adjournments and shall cross-examine on the said date.

b) The Writ Petition is disposed of. No costs.

(S . V . GANGAPURWALA , J .)

Dt.21.03.2016.
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