

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6008 OF 2016

M/s. Stuti Enterprises

....Petitioner

V/s.

The Asstt. Divisional Engineer
(Works) and Ors.

.....Respondents

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Mr. S.C. Naidu a/w. Mr. Anushak Davar and Mr. Aniketh Poojari i/by.
Mr. Innus I. Shaikh, Advocate for the petitioners.

Mr. T.J. Pandian, Advocate for respondents no.1 to 4.

Coram :- Smt. R.P. SondurBaldota, J.

7th June, 2016.

P.C. :-

1). Heard the learned Advocates. Mr. Pandian, the learned Advocate for respondents no.1 to 4, states on instructions that the petitioner may be afforded an opportunity to cross-examine the witness, which opportunity was closed by respondent no.2, by the order dated 3rd June, 2016. Mr. Naidu, learned Advocate appearing for the petitioner, also makes a grievance that , the application filed by the petitioner on 21st March, 2016 requesting for certified copies of the documents described at Items no.(a) and (b) therein remains undecided. According to him, the opportunity of cross-examination would not be complete opportunity without those documents. Perusal of the application shows that, the document described at Item no.(b) is not a specific document. Therefore, there can be no certified copy in respect thereof.

2). In the circumstances, by consent the petition is disposed off

in following terms :-

- (i) Respondent no.2 shall decide the application for certified copy dated 21st March, 2016 filed by the petitioner only for the document described at Item no.(a).
- (ii) The order dated 3rd June, 2016 passed by respondent no.2 closing the cross-examination of the witness by the petitioner is set aside. The Estate Officer shall permit the petitioner to cross-examine the witness.

. Parties to act on authenticated copy of the order.

(SMT. R.P. SONDURBALDOTA, J)