

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12514/2015

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. Prashant P. Kulkarni for the petitioner
Mr. Ramchandra Narayan with Ms. Smruti Bandekar i/b. Narayan & Narayan for the respondent No.1.

CORAM : K. K. TATED, J.

DATE : JULY 12, 2016

P.C.:

1. Heard. The learned counsel for the petitioner submits that as per order dated 18.02.2016, they deposited sum of Rs.15000/- in the Registry of this court. Statement is accepted.

2. The learned counsel for the respondent plaintiff is entitled to withdraw the said amount without furnishing any security.

3. By this petition under Article 227 of the Constitution of India the Petitioner defendant challenges the order dated 24.04.2015 passed by the 4th Additional Judge/ Small Causes Court and Jt. Civil Judge, Senior Division Below Exhibit- 198

in Special Civil Suit No. 1629/2007 rejecting the defendant's application for setting aside “No-cross” order.

4. Learned counsel for the parties submits that the next date before the Trial Court is 16.07.2016. The learned counsel for the defendant No.6 submits that on that day, they will start cross-examination of the plaintiff as stated in paragraph 4 of the order dated 18.02.2016. In view of these facts, following order is passed:

a. Impugned order dated 24.04.2015 passed by the 4th Additional Judge/ Small Causes Court and Jt. Civil Judge, Senior Division Below Exhibit-198 in Special Civil Suit No. 1629/2007 is set aside.

b. Defendant No.6 is permitted to cross-examine the plaintiff on the next date i.e. 16.07.2016 on terms and conditions as recorded in paragraph 4 of the order dated 18.02.2016.

c. Writ Petition stands disposed of accordingly.

JUDGE