

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9290 OF 2017**

Bramhachaitanya LPG Station & Ors	...Petitioners
<i>Versus</i>	
Suresh Krishna Parhad & Ors	...Respondents

Mr G Shah, *a/w Mr Rahul Totala, i/b Pandit Kasar, for the*
Petitioners.

Mr Siddharth C Wakankar, *for Respondents Nos.1 to 3.*

CORAM: G.S. PATEL, J
DATED: 21st November 2017

PC:-

1. Heard.

2. The Writ Petition says that an order of 21st July 2017 of the Trial Court rejecting the Petitioners application for amendment to the written statement cries out for my interference in exercise of my supervisory jurisdiction.

3. Indeed it does not.

4. Quite the contrary.

5. All I need to is to quote paragraph 7 of the impugned order.

"7. Written statement of defendant is filed in the year 2013. Evidence for affidavit is filed on 16/12/2014. Cross examination appears to have been declined on 24/08/2016. Evidence of the plaintiff is closed on 25/10/2016. Matter was kept for evidence of defendant since then. On 08/12/2016 evidence of the defendant was closed and matter was kept for final arguments. Only after that on 02/02/2017 defendant filed application for setting aside no cross orders which is allowed in March 2017. Immediately on the next date, when cross-examination of the plaintiff was to be conducted, present amendment application was to be filed. All these happenings in this matter clearly show that, the defendant has tried to prolong the matter since evidence affidavit is filed in the year 2014."

6. There is absolutely no reason to interfere with this order. I will not permit this Defendant to continue doing what he is straining every nerve to do, which is to delay to the maximum extent possible the trial of the suit.

7. The Writ Petition is rejected, there being no merit whatsoever in it.

8. I am informed that the matter is listed on 30th November 2017. The cross-examination of the Plaintiff by the Defendant was permitted by the Trial Court on its recalling the no-cross order at the instance of the Defendant. The Trial Court will, therefore, and especially having regard to the fact that the suit is of 2012, endeavour to conclude the cross-examination by 7th December 2017. No application for adjournment on behalf of the Defendant is to be entertained and

specifically not on the ground that the Defendant is unavailable to give instructions or that his Advocate is either busy in another court, unwell, etc. Thereafter, the matter should be set down for further evidence of the Defendant and the Trial Court will also keep this on a very strict and stringent schedule affording no indulgence to this Defendant. The Trial Court is requested to dispose of the entire suit after all evidence at its earliest convenience and if possible by the end of April 2018.

(G. S. PATEL, J.)