

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2835 OF 2018

M/S RAWASSA CONSTRUCTIONS
VERSUS
MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION

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Advocate for Petitioner : Shri N.N.Singh

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CORAM : RAVINDRA V. GHUGE, J.

Dated: March 23, 2018

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PER COURT :-

1. The petitioner / plaintiff is aggrieved by the order dated 6.10.2017 passed by the Commercial Court, by which application Exhibit 173 filed by the defendants praying for recalling the no-cross order has been allowed.

2. The learned counsel for the petitioner has strenuously criticized the impugned order. He draws my attention to the eight grounds formulated by him in the memo of the petition. There is no dispute that the petitioner has prayed for the payment of Rs.37,09,83,968/- along with 18% p.a. interest from the date of the suit.

3. The commercial Court has recorded in the impugned order that the defendant's Advocate was regularly attending the court proceedings. It was only on 14.8.2017 that he was absent and the Court has passed

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the order to proceed without the cross-examination of the plaintiff.

4. It is obvious that the respondent is a public body and in the absence of cross-examination of the plaintiff, the said authority would be practically rendered defenseless and the plaintiff would walk away with an amount of Rs. 37,09,83,968/- along with 18% p.a. interest. The trial Court has taken a pragmatic view rather than resorting to a pedantic approach. I do not find that the impugned order could be termed as being perverse or erroneous.

5. This petition being devoid of merits, is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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