

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3326 OF 2018

Vinayak Dadarao Maske

PETITIONER

VERSUS

Rajabai Shamrao Dinde and Others

RESPONDENTS

.....
Mr. Ramchandra J. Nirmal, Advocate for the petitioner
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 13th AUGUST, 2018

ORDER :

1. Heard learned advocate for the petitioner.
2. Despite service, none appears for the respondent.
3. Learned advocate for the petitioner has taken me through impugned order dated 25th September, 2017 on Exhibit-87 in Regular Civil Suit No. 47 of 2010 passed by Civil Judge, Junior Division, Aundha (Nagnath), whereunder request of the petitioner - defendant to cross examine plaintiff has been turned down. On 3rd May, 2017, “no cross” order had been passed against the defendants. Looking at the affidavit at Exhibit-49, the court had considered that the defendant had been taking adjournments from time to time. Further, after taking into account Exhibit-89, the court considered that the matter is getting delayed at the

instance of petitioner - defendant.

4. Looking at the circumstances and that the suit is pending from long time, it appears to be expedient and largely due to the position that respondents in the present matter do not seem to have any particular objection if the writ petition sails through and thus have not caused appearance, giving an indication of aforesaid. The petition, thus, deserves to be allowed, however, the situation will have to be balanced.

5. As such, writ petition is allowed in terms of prayer clause "B" subject to payment of costs of Rs.2,500/-. Costs be deposited in trial court within a period of four weeks from the date of receipt of writ of this order.

[SUNIL P. DESHMUKH, J.]