

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4285 OF 2011
(Syeda Rubeena Quadri Vs. Crescent Education Society, Aurangabad
and others)

Mr.S.S.Kazi, Advocate for the petitioner.
Mr.G.L.Kedar h/f Mr.A.M.Karad, Advocate for respondent No.1.
Mr.V.C.Patil h/f Mr.U.B.Bondar, Advocate for respondent No.5.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 10/08/2018

PER COURT :

1. Though this petition is not on the board for final hearing, all the learned Advocates appearing for the parties have graciously addressed the Court on the merits of the matter keeping in view that the suit of 2009 is pending for recovery of arrears of salary.

2. I have considered the submissions of the learned Advocates and I have also taken into account the passage of time.

3. Defendant No.2 and defendant No.4 have a joint interest in Special Civil Suit No.22/2009 as defendant No.2 is the Education Society and defendant No.4 is the Head Mistress of the School conducted by the said society. Yet, by the impugned order dated

30/03/2011, defendant No.2 was permitted to cross examine defendant No.4 only to a limited extent. Owing to the impugned order, the said cross-examination has already been conducted on 16/04/2011. The said suit is still pending adjudication since the petitioner/plaintiff prayed for staying her suit.

4. The record reveals that the Trial Court has not dealt with the aspect as to what would be the effect of the cross-examination conducted by defendant No.2 vis-a-vis defendant No.4 and whether that portion of the cross-examination deserves consideration while dealing with the Special Civil Suit finally, keeping in view the grievance of the plaintiff that defendant No.2 desires to cross examine defendant No.4 to remove the deficiencies in the testimony of defendant No.4.

5. In my view, ends of justice would be met by expediting the suit which is pending for 9 years on a restricted issue of recovery of arrears of salary and the above aspect can be left open for the litigating sides to address.

6. In view of the above, this petition is disposed of. The Trial Court shall decide Spl.Civil Suit No.22/2009 expeditiously and in

any case, on or before 28/02/2019. The litigating sides would be precluded from seeking adjournments on unreasonable and trivial grounds. All contentions of the litigating sides are kept open including the aspect of the cross-examination of defendant No.4 by defendant No.2 as is opposed by the plaintiff. The said issue shall be dealt with by the Trial Court while deciding the suit finally.

7. Rule is discharged.

(Ravindra V.Ghuge, J.)

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