

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION (ST) NO. 17176 OF 2018****IN****WRIT PETITION NO. 1441 OF 2018****Smt. Vasundhararaje Scindia****..... Applicant****IN THE MATTER BETWEEN****Jyotiraditya Scindia****..... Petitioner****VERSUS****Smt. Vasundhararaje Scindia & Ors.****..... Respondents**

Mr.Ajay Kapur, Senior Advocate, a/w. Mr.Abhay Jadeja, Ms.Shruti K. i/b. Crawford Bayley & CO. for the Applicant in the Civil Application.

Mr.Tushar Jadhav for the Original Petitioner/Respondent in Civil Application.

CORAM : R.D. DHANUKA, J.**DATE : 19th JUNE, 2018****P.C.**

Not on board. Upon mentioning, taken on board.

2. By this civil application, the applicant seeks recall of the order dated 8th February, 2018 passed by this court in Civil Writ Petition No.1441 of 2018.

3. Learned senior counsel appearing for the applicant invited my attention to the directions issued by this court in the order dated 8th February,2018 and also to the pursis filed by the original petitioner before the learned Assistant Charity Commissioner seeking adjournment on various grounds till 17th August,2018. He submits that the original petitioner is deliberately delaying his cross examination on

one or the other flimsy grounds.

4. Mr.Jadhav, learned counsel for the original petitioner on the other hand submits that the original petitioner cannot remain present prior to 17th August,2018 for various reasons recorded in the pursis filed by his client before the learned Assistant Charity Commissioner.

5. It is not in dispute that the part of the cross examination of the original petitioner is already completed. The original petitioner is accordingly directed to remain present before the learned Assistant Charity Commissioner for the purpose of cross examination on 17th August,2018 at the time fixed by the learned Assistant Charity Commissioner without fail.

6. It is made clear that if the original petitioner remains absent on 17th August,2018 at the time prescribed, the evidence of the original petitioner to stand closed without further reference to court.

7. If for any reason, the cross examination is not concluded, the original petitioner shall remain present before the learned Assistant Charity Commissioner on the next day i.e. 18th August,2018 for the purpose of cross examination without fail.

8. If the original petitioner does not remain present on 18th August,2018, in the event of his cross examination remains incomplete on 17th August, 2018, his evidence shall be treated as closed.

9. It is made clear that no further extension would be granted.
10. Civil application is disposed of in the aforesaid terms. No order as to costs.
11. The parties as well as the learned Assistant Charity Commissioner to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]