

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10127 OF 2017

Shreyas Ganpati Bharti

....Petitioner

V/s.

Vinayak Dinkar Ghokhale

....Respondent

Mr. Nagesh Y. Chavan for the petitioner.

Mr. A.A. Garge for respondent no.1.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : 21ST JUNE, 2018.

P.C.:

. This Writ Petition is directed against the orders dated 03rd July, 2017 and 24th July, 2017 passed by the learned Civil Judge, Junior Division, Miraj, Dist. Sangli in Regular Civil Suit No.66 of 2012.

2. Perused the orders and roznama. Heard the submissions of both the parties. The affidavit of evidence was marked as 'Exhibit-68' and then it was discarded by order dated 10th March, 2017 and thereafter, by order dated 03rd July, 2017 it was taken on record. The learned counsel for defendant no.2/petitioner has submitted that the cost of Rs.2,000/- is already paid. After considering the short issue involved in that and the direction of the Trial Court to file all the affidavits for the examination-in-chief at once of all the witnesses before the cross-

examination of defendant is over, is illegal, the Writ Petition is allowed with following order :-

(i) The order dated 24th July, 2017 passed by Civil Judge, Junior Division, Miraj and clause no.3 in order dated 03rd July, 2017 are hereby set aside.

(ii) The defendant no.2 shall remain present on the next date which is fixed by the Trial Court and he will be cross examined by the learned counsel for the plaintiff. On the same date, Witness summons to be issued by the Trial Court for the witnesses of the defendants, returnable two weeks, thereafter. All the addresses given by the defendant are to be made returnable within two weeks. Additionally, humdast service is to be allowed. The defendant shall thereafter examine the witnesses on the scheduled date without seeking any adjournment. Parties to co-operate. Matter, if part heard, it is to be taken day-to-day. The Trial Court shall make an endeavour to dispose of the suit on or before 28th February, 2019.

(MRS. MRIDULA BHATKAR, J.)