

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

WRIT PETITION (ST) NO.30046 OF 2018

Madhuri Yogesh Bhoir

.. Petitioner

V/s.

Nisha Suresh Bangera and Ors.

.. Respondents

Mr.R.K.Mendadkar for the petitioner

Ms.Neha Gupta I/b M/s.Solicis Lex for the respondents

CORAM: K.K. TATED, J

DATED : NOVEMBER 29, 2018

P.C. :

1 Heard.

2 By this petition under Article 227 of the Constitution of India, the Petitioner challenges the order passed by Trial Court of no cross-examination dated 5.10.2018.

3 During the course of argument, the learned counsel for the Petitioner submits that next date before the Small Causes Court, Mumbai is 1.12.2018. He submits that on 01.12.2018, defendant undertakes to remain present before that court and start the cross-examination without asking any adjournment.

4 On his assurance, the learned counsel for the Respondent

original Petitioner submits that they do not have any objection if impugned order dated 05.10.2018 is set aside. Hence, both the parties filed Minutes of Order dated 29.11.2018. Same is taken on record and marked 'X' for identification which reads thus:

"MINUTES OF ORDER

1. By consent, impugned order Dated 5.10.2018 of "No cross", Exhibit "A" to the Petition, is set aside.

2. The Petitioner undertakes to this Hon'ble Court that her advocate would remain present for cross examination of the respondent no.1 I.e, Petitioner in Small Cause Court, Mumbai on 1.12.2018.

3. In the light of above undertaking given to this Court, the Petition is disposed of."

5 Writ Petition stands disposed of in terms of minutes of order.

6 No order as to costs.

(K.K. TATED, J.)