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

WRIT PETITION NO.7 OF 2015

Pimpri Chinchwad Municipal Corporation	...	Petitioner
V/s. Transport Corporation of India	...	Respondents

Mr. Deepak R. More, for the Petitioner.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th JANUARY, 2018.

P.C. :

- 1] Heard learned counsel for the petitioner.
- 2] As per the order passed by this Court, on 22nd December 2014, notice was issued to respondent with clear direction that the writ petition will be heard and disposed of finally at the stage of admission itself.
- 3] Accordingly, as reflected in the order dated 31st October, 2017, respondent was duly served, but none appeared on behalf of respondent. In order to give fair opportunity to the respondent, by way of last chance, matter was adjourned to today by continuing interim order granted earlier staying the hearing of R.C.S. No.51 of 2013. However, today also Respondent and his Advocate are

absent.

4] In view thereof, this writ petition is taken up for final hearing, having regard to a very small controversy involved therein.

5] The petitioner has produced on record certified copy of the Roznama of R.C.S.No.51 of 2013 which shows that the evidence of respondent-plaintiff was closed on 4th August, 2014. Thereafter the matter was adjourned to 04.09.2014 and 09.10.2014 for recording evidence of the petitioner-defendant. On that date, adjournment application was filed on behalf of petitioner's advocate. However, said application came to be rejected and the order of closing petitioner's evidence was passed. Immediately in the second session at 2.55 p.m., advocate for the petitioner-defendant remained present and filed application for setting aside the order of closing evidence. However, said application came to be rejected.

6] Considering this sequence of events and in order to subserve the substantive cause of justice, in the interest of justice, it is necessary that the suit filed by the respondent should be decided on merits so that whatever controversy is there between parties will be resolved completely and effectively.

7] Hence in the interest of justice, the impugned order passed by the trial Court, rejecting petitioner's application for setting aside order of closing his evidence is set aside.

8] Application at Exh.25 filed by the petitioner is allowed.
The petitioner to appear before the trial Court on 20.02.2018 for the
purpose of leading his evidence.

9] Writ Petition is allowed in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]