

1 The petitioners are the defendants in RCS No.962 of 2014. They are aggrieved by the order dated 04.07.2019, passed by the trial Court, by which an application Exhibit-35 filed by one of the petitioners is allowed and “the evidence close” order is set aside. However, the application Exhibit-34, filed by the petitioners, seeking to recall the plaintiff Bhimrao for further cross-examination has not been decided and the order passed below Exhibit-35 is copied and pasted as an order below Exhibit-34. Exhibit-34 is still neither allowed nor rejected.

2 I find from the record that the plaintiff in this suit - Bhimrao has filed an affidavit in lieu of Examination-in-Chief on 04.08.2016. His Cross-examination was concluded on 11.06.2019. The application Exhibit-34 was filed by these petitioners on 01.07.2019 under Order 18 Rule 17 of the Code of Civil Procedure read with Section 151, for seeking a direction to recall the plaintiff – Bhimrao for further cross-examination.

3 Since I find that the application Exhibit-34 is neither allowed nor rejected by the impugned order dated 04.07.2019, no interference, in the impugned order, is required. Suffice it to say that this petition is disposed off with liberty to the petitioners to approach the trial Court and seek a hearing and orders on Application Exhibit-34. Needless to state, the trial Court would consider this aspect and decide application Exhibit-34 on its own merits.

(RAVINDRA V. GHUGE, J.)