

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4810 OF 2018

VENKAT BHAGWAN NARWADE AND OTHERS
VERSUS
AYUB ABDUL RASHID QURESHI AND OTHERS

...
Advocate for the Petitioners : Shri S.V.Chandole h/f Shri Sakolkar
Virendra T..
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th February, 2019

Per Court:

1 The Petitioners are the original Defendant Nos.1 to 3, who are the tenants in Rent Suit No.2/2012. After the Plaintiffs led evidence through an affidavit on 12.02.2015, these Petitioners did not cross examine the Plaintiffs till 07.06.2017, which is almost two years and five months. In between, the Trial Court had earlier granted liberty to cross examine by order dated 21.12.2016 and imposed costs of Rs.3000/-. Yet, these Petitioners did not cross examine the Plaintiffs. The Petitioners changed their advocate, who filed the Vakalatnama on 10.07.2017. Even this advocate did not cross-examine the Plaintiffs and finally, the Trial Court passed an order on 07.06.2017 restraining the Petitioners from cross examining the Plaintiff.

2 An application Exhibit 50 was filed on 11.07.2017 praying for leave to cross examine the Plaintiff. Thereafter, the advocate for these Petitioners did not remain present. On 18.09.2017, even though repeated calls were given in the trial court till 04:30 pm, none appeared and the Trial Court, therefore, rejected the application by passing the impugned order on 18.09.2017.

3 Despite service of notice by the Petitioners, none has caused an appearance on behalf of the Respondents.

4 I find from the record that several opportunities were given to these Petitioners to cross examine the Plaintiffs, who had deposed before the Court on 12.12.2015 through his affidavit. It is practically four years that these Petitioners have succeeded in delaying the matter. This Court has not granted any interim relief to the Petitioners. Despite imposing costs and granting innumerable opportunities over a period of almost three years, these Petitioners have failed to cross examine the Plaintiffs.

5 Considering the above, I do not find that the impugned order could be termed as being perverse or erroneous. This Writ Petition being devoid of merit is, therefore, dismissed.