

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1087/2019

Ashok S/o Narayanrao Suke

..VS..

Nagpur Zilla Krushi Audyogik Sahakari Sangh

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : 20/02/2019

None appeared for the petitioner on 13/02/2019.
The matter was adjourned. Today when the matter is called out, again none appears for the petitioner.

This petition is filed by the defendant to challenge the order passed by the trial Court rejecting the application (Exh. 45) filed by him praying that the order to proceed without the cross-examination of the plaintiff's witness by the defendant be set aside and the defendant be permitted to cross-examine the witness. The learned trial Judge has recorded that the civil suit was adjourned on 3 dates on request of the defendant to enable him to cross-examine the witness but he failed to do so and when the matter was closed for judgment, the application (Exh. 45) came to be filed. Before this Court also, the petitioner – defendant has shown negligence in prosecuting the matter. It is not known whether the judgment is delivered by the learned trial Judge in the civil suit.

Apart from the fact that the impugned order does not suffer from any illegality or error of jurisdiction, because of the conduct of the petitioner also, I am not inclined to interfere in the matter.

The writ petition is **dismissed**. No costs.

JUDGE

Ansari