

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

WRIT PETITION NO.1596/2019

Namdeo S/o Vishwanathrao Kadu

..Vs..

Sau. Ujjwala W/o Shirish Chakradeo

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

Court's or Judge's orders

Shri V.G. Bhamburkar, Advocate for the petitioner.

CORAM : Z.A. HAQ, J.

DATE : 1.3.2019.

Shri R.D. Kalra, Advocate has put in
appearance for the respondent on caveat.

Heard.

The defendant has challenged the order
passed by the trial Court, dismissing the application
(Exh. No.105) filed by him for permission to re-examine
D.W.3 - Sanjay Kandge.

After both the lawyers argued the matter for
some time and I expressed that the matter requires
consideration, learned Advocate for the respondent has
submitted that if the Court is inclined to consider the
prayer made by the petitioner, then the petitioner /
defendant be permitted to re-examine D.W.3 - Sanjay
Kandge, however, the defendant should conclude the
re-examination of D.W.3 - Sanjay Kandge within
stipulated time.

In view of the concession given on behalf of
the respondent / plaintiff and *prima facie* considering the
facts of the case, following order is passed:

The impugned order is set aside.

The application (Exh. No.105) filed by the defendant is allowed.

The defendant is permitted to re-examine D.W. 3 - Sanjay Kandge.

It is informed that the civil suit is fixed on 2nd March, 2019. It would not be possible for the parties to produce copy of this order before the trial Court on 2nd March, 2019. Hence it is directed that the defendant shall re-examine D.W.3 - Sanjay Kandge till 25th March, 2019. The Advocate for the petitioner / defendant states that after re-examination of D.W.3 - Sanjay Kandge, defendant intends to examine only one witness and that witness will also be examined till 25th March, 2019. The trial Court may keep the matter on earlier dates. The civil suit shall be disposed till 15th April, 2019 keeping in mind the directions given by this Court in Writ Petition No.4743/2018.

The writ petition is **disposed** in the above terms.

No costs.

JUDGE