

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

WRIT PETITION NO.3186/2019

Ramesh S/o Moreshwar Ingle

..Vs..

Kundatai W/o Punjabrao Masram and others

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

Court's or Judge's orders

Shri A.V. Bhide, Advocate for the petitioner.

CORAM : Z.A. HAQ, J.

DATED : 3.6.2019.

The petitioner / original plaintiff has challenged the order passed by the trial Court on the applications (Exh. Nos.49 and 50/1) filed by the defendant No.1. By these applications, the defendant No.1 had prayed that the order passed by the trial Court striking out his defence, and the order directing the matter to proceed without giving further opportunity to defendant No.1 to cross-examine the plaintiff, be set aside. The submission on behalf of the petitioner is that the applications were moved after 30 days and, therefore, could not have been entertained and allowed by the trial Court.

After going through the impugned order, I find that the learned trial Judge has exhaustively dealt with all the relevant aspects and has passed the judicious order, granting an opportunity to the defendant No.1 to defend his case. It cannot be said that the learned trial Judge has committed any error of jurisdiction which

necessitates interference by this Court in the extraordinary jurisdiction.

Hence, the writ petition is **dismissed**. No costs.

Considering the fact that the civil suit is pending since 2011, the trial Court is directed to dispose the civil suit till 30th November, 2019.

JUDGE

Tambaskar.