

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

**WRIT PETITION NO.5886 OF 2017**

(PREMLAL MAROTI NAGPURE...VS.. VINOD GYANIRAM BHURE.)

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

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Shri N.G.Solao, Advocate for Petitioner.  
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**CORAM : Z.A.HAQ, J.**

**DATED : AUGUST 09, 2019.**

None for the respondent. Heard Shri N.G.Solao,  
Advocate for the petitioner.

This petition is filed by the original defendant to challenge the order passed by the trial Court allowing the application filed by the plaintiff seeking permission to adduce evidence of P.W. 2 after the arguments were heard and the matter was closed for judgment. The impugned order is dated 14<sup>th</sup> June 2017. This Court had issued notice of the petition on 26<sup>th</sup> September 2017 by following order:

*“Heard learned counsel for the petitioner.  
Issue notice to the respondent, returnable  
on 31<sup>st</sup> October 2017.  
Stay refused.”*

Office note shows that the respondent/plaintiff was not served with notice of petition on 30<sup>th</sup> October 2017 and the matter was adjourned. The writ petition continued to pend, without any effective steps being taken by the petitioner. When asked, the learned Advocate for the petitioner stated that he is not aware about the status of the civil suit and whether the evidence of P.W. 2 is recorded. It is

submitted that the petitioner/defendant is not in contact with him and he has not been able to communicate with the petitioner. It appears that after this Court refused to stay the proceedings of the civil suit the petitioner/defendant has lost interest in prosecuting the petition.

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

**JUDGE**

*RRaut..*