

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1085 WRIT PETITION NO.15480 OF 2019

BHARAT NIRANJAN VAISHNAVA
VERSUS
RAMPION FINVEST PVT LTD AND OTHERS

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Advocate for Petitioner : Mr. Wani Girish V.
Mr. Amit Ashok Agrawal, appeared on behalf of respondent
no.1 (party in person)

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CORAM : V. K. JADHAV, J.
DATED : 14th February, 2020

PER COURT :-

1. The petitioner – original defendant no.1 has filed this writ petition. In summary suit No.7 of 2000, the trial Court has rejected the application filed by the petitioner – original defendant no.1 for setting aside the ‘no cross order’ dated 10.06.2019 passed against him. The Jt. Civil Judge, Senior Division, Jalgaon, by the impugned order dated 29.08.2019 has rejected the application (Exhibit-410). Hence, this writ petition.

2. Even after passing of the ‘no cross order’ as against the petitioner – defendant no.1, it appears from the impugned order that the petitioner – original defendant no.1 has not adduced any oral evidence. It is not clear from the impugned order as to whether right to lead the evidence of petitioner – defendant no.1 stands forfeited. The respondent – original plaintiff, who is present in person, submits that petitioner –

defendant no.1 may lead his oral or documentary evidence in support of his pleadings, if so desired, provided that the trial Court should dispose of the matter, as expeditiously as possible in a time bound manner and also subject to heavy costs which is already deposited before the trial Court.

3. Hence, by consent of the parties, the following order is passed :

ORDER

I. The Writ Petition is allowed.

II. The impugned order dated 29.08.2019 passed below Exhibit-410 in Special Civil Suit No.10 of 2015 is hereby quashed and set aside.

III. The application (Exhibit-410) in Special Civil Suit No.10 of 2015 is hereby allowed in terms of its prayer clause, subject to costs of Rs.1,00,000/- which is already deposited by the petitioner – original defendant no.1 before the trial Court in terms of the order dated 19.12.2019 passed by this Court (Coram: Revindra V. Ghuge, J.)

IV. The trial Court is hereby directed to dispose of the suit bearing Special Civil Suit No.10 of 2015 within three months from the date of this order.

V. The writ petition is accordingly disposed of.

(V. K. JADHAV, J.)