

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

WRIT PETITION NO.4038 OF 2018

Dadaji Parasram (Parsu) Asutkar and others.

Vs.

Pundlik Jayram Gokhare 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. A. Dhawas, Advocate for petitioners.

Shri M. B. Turankar, Advocate for respondent nos.1
and 2.

CORAM : AVINASH G. GHAROTE, J.

DATE : FEBRUARY 24, 2020.

Heard learned counsel for the parties.

2. The order dated 05.04.2018, rejecting an application seeking to cross-examine the PW-1 has been challenged in the present petition. Shri M. B. Turankar, learned counsel for the respondent nos.1 and 2 / original plaintiffs, has no objection, if the impugned order is set aside, subject to the condition that the date be fixed on which the counsel for the defendants should cross-examine the witness and the matter be directed to be decided expeditiously. The respondent nos.3 and 4 though served, none appears for them.

3. Considering the fair statement made by learned counsel for the respondent nos.1 and 2/plaintiffs, the impugned order dated 05.04.2018, passed in R.C.S. No.19

2015, below Exh.59, by the Civil Judge Junior Division, Bhadrawati, is hereby set aside. The application at Exh.59 is allowed.

4. The learned counsel for the defendant nos.1 to 6 is directed to cross-examine the PW-1 on 28.02.2020, without fail. The Trial Court shall decide the proceedings as expeditiously as possible and in any case within a period of six months from today.

5. Learned counsel for parties are directed to co-operate with the Trial Court in expeditious decision of the suit within the above period. The Trial Court to act upon the authenticated copy of this order.

The Writ Petition is disposed of. No order as to costs.

JUDGE