

of the impugned order, I am satisfied that the Petitioner do not deserve any indulgence, particularly when the learned Judge has recorded that the cross-examination of the Plaintiffs on behalf of Defendant Nos. 1 to 6 was over on 17.01.2017 and though sufficient opportunity was afforded to Defendant Nos. 7 to 22 to cross-examine the Plaintiffs, the opportunity was not availed. Recording that even the application of Defendant Nos. 12 to 17 and 19 to 22 was rejected, the request of the Petitioner / Defendant No. 18 was also turned down.

3. My attention is invited to an order passed by this Court on 17.09.2019 on a writ petition filed by Defendant Nos. 7 to 9, 12 to 17, and 19 to 22 being aggrieved by the refusal to show any indulgence to permit them to cross-examine the Plaintiffs. This Court has showed his magnanimity and permitted the cross-examination subject to payment of Rs. 10,000/- by way of costs to the Plaintiffs.

4. I must make it clear that I am persuaded to pass this order only because of the indulgence shown by this Court in respect of the co-Defendants.

The impugned order is, therefore, set aside subject to the Petitioner paying cost of Rs. 10,000/- to be paid by the Petitioner to the Plaintiffs, along with Rs. 3,000/- already

deposited by the Petitioner in this Court to show his bona fides. The Petitioner is at liberty to withdraw the said amount of Rs. 3,000/- and make it over to the Plaintiffs. Upon the entire amount being transmitted to the Plaintiffs within a period of two weeks from today, the cross-examination of the Plaintiffs at the instance of the Defendant No. 18 shall be granted.

5. The learned Trial Court is directed to schedule the cross-examination of the Plaintiffs at the instance of this Petitioner in the week commencing from 17.01.2022 and shall conclude the same by 31.01.2022. If within this period, the Petitioner/ Defendant No. 18 is not able to cross-examine the Plaintiffs, it shall be taken that he has lost this opportunity to cross-examine.

The Writ Petition is allowed in the aforesaid terms.

(Smt. Bharati Dangre, J.)