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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 68 OF 2020

Sou. Pallavi Shardul Soman and anotherPetitioners

V/s.

Sou. Vinaya Vishwas Mahajan POARespondents
Mahesh Marutrao Deshmukh and Ors

Mr. Vilas B. Tapkir for Petitioners
None for Respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 3, 2021.

P.C.:

1] Learned counsel for the Petitioner informs that Respondents are served, however, none appears for Respondents. As such, contents in the Petition are not controverted.

2] Order impugned is passed below Exh. 147, an Application on behalf of Petitioner-Defendant Nos. 1 & 2 for setting aside order dated 19/01/2019 of closing of evidence. The Trial Court appears to have

passed the order impugned dated 02/08/2019 rejecting the permission sought by the Petitioner-Defendant for leading evidence as this Court has expedited the hearing of the Suit.

3] Learned counsel for the Petitioner-Defendant assures that no further adjournments on whatsoever count will be sought before the Trial Court on unnecessary grounds. Statement is accepted as an undertaking.

4] In the aforesaid background, in the interest of justice, Petitioner needs to be granted a chance to lead evidence in the matter. Statement that affidavit of examination-in-chief of the Petitioner-Defendants will be placed on record by next date of hearing is also accepted as an undertaking.

5] In view of above, order impugned passed below Exh. 147 dated 02/08/2019 is set aside. Application Exh. 147 is allowed to the above extent. It shall be open for the Trial Court to deal with apportionment

of the cost of Rs. 10,000/- deposited by the Petitioner.

6] Petition stands disposed of in the above terms.

[NITIN W. SAMBRE, J.]