

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

913 WRIT PETITION NO.3716 OF 2020

KRUSHI UTTAPANNA BAZAAR SAMITI PARLI V. THROUGH ITS SECRETARY
VERSUS
PARUBAI RAGHOBHA KALE AND OTHERS

...
Advocate for Petitioner : Mr. Sable Bhagwan R.

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CORAM : M.G. SEWLIKAR, J.
DATE : 13th September, 2022

PC.:-

Heard learned counsel for the petitioner Shri Sable. He submits that evidence of the plaintiff is over. Defendant nos.1 and 2 also tendered evidence and filed evidence closure *pursis*. Therefore, petitioner/defendant no.3 filed his affidavit of examination in chief. At that time the plaintiff filed application for examining cadastral surveyor. Learned trial Court allowed this application. Learned trial Court observed that the petitioner has the opportunity to cross-examine the witness. True it is that the plaintiff has exhibited gross negligence on his part, however, the learned trial Court has allowed the application by imposing cost. I do not find any infirmity in this order. At this stage learned counsel for the petitioner seeks withdrawal of the petition subject to the direction that the trial Court shall dispose of the suit within a specified period.

2. In light of the above, the writ petition is disposed of as withdrawn. The learned trial Court is directed to dispose of the suit within a period of four months from the date of receipt of writ.