

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

WRIT PETITION NO.12046 OF 2022

**MANISHA PADMAKAR PATIL
VERSUS
SHREERAM CITY UNION FINANCE LTD AND ANOTHER**

...
Mr. M. V. Salunke h/f Mr. V. D. Salunke, Advocate for the
Petitioner.

Mr. V. Y. Bhide, Advocate for Respondent No.1.

...

**CORAM : SANDEEP V. MARNE, J.
DATED : 09th DECEMBER, 2022.**

PER COURT:-

1. By this petition petitioner challenges the order dated 16.11.2022 passed by the Civil Judge, Senior Division, Chalisgaon rejecting petitioner's application for adjournment and allowing the application of decree holder for discarding the evidence of petitioner. The evidence is discarded as petitioner failed to remain present for cross-examination.

2. On 02.12.2022 when this petition was listed, this Court passed following order:

“1. Heard.

2. The application below Exh. 92 for discarding evidence has been allowed and the applications filed by petitioner for adjournment of cross-examination are rejected by the impugned order dated 16.11.2022.

3. Mr Salunke, learned counsel for petitioner submits that

petitioner will remain present for the cross-examination on any date fixed by the Court and he will not take any adjournment. He also expressed his willingness to deposit costs of Rs.25,000/- (Rupees Twenty Five Thousand Only) in this Court to prove the bona fides of petitioner.

4. Petitioner to deposit costs of Rs.25,000/- (Rupees Twenty Five Thousand Only) in this Court before the next date of hearing.

5. Issue notice to respondent No.1, returnable on 9th December, 2022 in “urgent category”.

6. Humdast granted.

7. In addition to court notice, petitioner to serve private notice on respondent No.1 and file service affidavit to that effect.

8. Till the next date of hearing, parties to maintain status-quo.”

3. In pursuance of that order petitioner has deposited the amount of Rs.25,000/- on 07.12.2022.

4. Today, Mr. Bhide, learned counsel appears on behalf of respondent no.1 and opposes the petition submitting that petitioner has been playing delaying tactics deliberately.

5. Now that petitioner has deposited the amount as directed by this Court and showed her willingness, the petition can conveniently be disposed of by passing following order:

ORDER

a. The order dated 16.11.2022 passed by the Civil Judge, Senior Division, Chalisgaon on application at Exhibits-91, 92 and

93 is set aside. Petitioner's evidence is restored.

b. Petitioner to remain present for cross-examination on 12.12.2022. After completion of cross-examination, if the petitioner desires to examine any further witness she may do so on or before 23.12.2022. No further opportunity would be granted to petitioner to lead any evidence beyond 23.12.2022.

c. Respondent no.1 will be at liberty to withdraw the amount of Rs.25,000/- deposited in this Court.

d. With the above directions, writ petition is disposed of.

(SANDEEP V. MARNE)
JUDGE