

BDP-SPS-TAC

BHARAT
DASHARATH
PANDIT

Digitally signed
by BHARAT
DASHARATH
PANDIT
Date: 2022.04.12
16:44:01 +0530

Corrected as per order dated 12/4/2022.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3614 OF 2020**

Greenali Traders ... Petitioner.

V/s

Gujarat Spices & Oil Seeds
Growers Co-op. Union Ltd. Respondent.

Mr. Surel S. Shah a/w Rahul P. Kasbekar for the Petitioner.
Mr. Rajesh Jain for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: APRIL 06, 2022

P.C.:-

1] Heard.

2] It appears that Court below is justified in recording a finding that Petitioner's prayer for grant of relief as claimed below Exhibit-39 i.e. for setting aside "Evidence Close" order cannot be considered. The Court has recorded conduct of the Petitioner which has resulted into rightly forming an opinion that the Petitioner is delaying the suit proceedings.

3] However, by way of last indulgence, subject to deposit of costs of Rs 25,000/- (adjust amount of Rs 10,000/- which is already deposited), Petitioner is permitted to complete the evidence in any

case within a period of four months from the date of production of the order of this Court.

4] Respondent will be entitled to withdraw the amount of costs.

5] In case if the Petitioner fails to deposit the costs and complete the evidence within **four months** from the date of production of this order, Trial Court shall be at liberty to proceed with the suit without further evidence of the Petitioner.

6] Petition stands disposed of in the aforesaid terms.

(**NITIN W. SAMBRE, J.)**