

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION 8055 OF 2022**

Harshadrai Chimanlal Thakkar .Petitioner

Vs.

Pratik Rajesh Thakkar & ors. .Respondents

Mr. S. P. Shetty a/w Ms Riya Shetty i/b. Ms Deepti Mistry,  
Advocate, for the Petitioner

Mr. Akshay Kapadia a/w Mr. M. R. Sherekar, Advocate, for  
the Respondent 1

**CORAM : ROHIT B. DEO, J.**

**DATE : 20.07.2022**

**P. C.**

. This Petition is preferred by the Defendant 1 in  
Special Civil Suit 111 of 2017 questioning the order dated  
25.04.2022, whereby the learned trial Court rejected the  
Application for setting aside the order of “No Cross” dated  
25.02.2022.

2. The Defendant 1 preferred the application on the  
premise that his counsel was urgently required to go to Goa  
and she returned on 26.02.2022 and therefore, on the  
relevant date, the Defendant could not cross examine the

Plaintiff.

3. The learned trial Judge has noted the past conduct of the Defendant 1 and various opportunities granted to him to conduct the cross examination. The learned trial Judge has culled out the conduct of the Defendant 1 in paragraphs 2 & 3 of the order impugned. I see no error in the view taken by the learned trial Judge, who is obviously anxious to ensure that the matters concerning senior citizens be decided expeditiously. However, only, and only in view of the undertaking of the Defendant 1, which is given to this Court on his behalf by the learned counsel for the Defendant 1 that the Plaintiff shall positively cross examined on the next date of hearing which is 22.07.2022 and that no adjournment shall be sought in the matter, unless an extremely exceptional case is made out, I am inclined to give an opportunity to the Defendant 1 to cross examine the Plaintiff.

4. The order impugned is set aside.

5. The Defendant shall cross examine the Plaintiff on 22.07.2022 and complete cross examination on the same date.

6. The trial Court is requested to dispose of the suit within the next six months. The Plaintiff shall also co-operate in expeditious disposal and shall not seek any unnecessary adjournment.

7. It is made clear that time schedule shall be adhered to notwithstanding any application or Miscellaneous proceeding which the Defendant 1 or any other Defendant may initiate.

8. The Petition is disposed of in the aforesaid terms.

( ROHIT B. DEO, J. )