

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

**WRIT PETITION NO.664 OF 2022
WITH
INTERIM APPLICATION NO.3976 OF 2021**

M/s. Ami and M. D. Developers and Anr. ..Petitioners
Versus
Prasad Pandurang Lad an Ors. ..Respondents

Mr. Ankit Rajput a/w Bhavana Umredkar i/by Rutvij Bhatt, for the
Petitioners.

Mr. Kishor Patil, for the Respondents.

CORAM : NITIN W. SAMBRE, J.

DATE : 16th FEBRUARY, 2022

PC.

1. Mr. Kishor Patil, learned counsel for the respondent/plaintiff submits that an undertaking will be tendered before the Court below stating that the plaintiff shall be personally entering into witness box in the month of May, 2022 after returning from his overseas assignment. According to him, till then Trial Court be requested to defer the matter.

2. In view of above, petition is not pressed.

3. Accordingly, petition stands disposed of.

4. Trial Court shall begin with the further trial in the suit

thereby permitting plaintiff to enter into witness box as has undertaken before this Court. Failure of the plaintiff to enter into witness box in the month of May or prior thereto shall entail the Trial Court to proceed with the suit thereby freezing the right of the plaintiff to lead any evidence on his own.

5. Accordingly, the impugned order stands modified to that extent.

6. Till then, the Trial Court is requested to defer hearing of the suit at the request of the respondent/plaintiff.

[NITIN W. SAMBRE, J.]