



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

WRIT PETITION NO.7067 OF 2023

Quresh Abdulhusain Ezzi

...Petitioner

Versus

Abhay Vadilal Shah alia Abhaybhai
Vadilal Shah

...Respondent

...

Ms Kavita Shah for the Petitioner.

Mr. Jaydeep Deo for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th AUGUST, 2023.

P. C. :-

1. Learned counsel for the Petitioner under instructions states that the Petitioner does not wish to challenge the impugned order.

2. It is stated that since the suit is of the year 2016 and the parties are senior citizen, learned Judge, Small Causes Court by order dated 17/4/2017 had expedited the hearing of the suit. The Plaintiff's evidence is concluded and DW1 has already filed his affidavit-in-evidence and cross examination is yet to be commenced. Learned counsel for the respective parties state that since DW1 does not keep good health, the Trial Court has already passed an order to record his

cross examination through the VC.

3. The learned counsel for the Respondents/defendants has no objection if the Advocate for the Plaintiff /Petitioner or his representative remain present at the residence of DW1 at the time of recording of cross examination of DW1 through VC.

4. Considering that the suit is of the year 2016 and the parties are senior citizens, parties are directed to conclude the cross examination of DW1 as expeditiously as possible and in any event within a period of four weeks from the date of uploading of the order.

5. Learned counsel for the Respondent /Defendant states that the Respondents will be examining four defence witnesses.

6. In the light of the said statement learned Trial Court to conclude the hearing and decide the suit finally within a period of one year from the date of the uploading of this order.

7. Petition stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)