

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15819 OF 2023

Ujwala Raje Shah

...Petitioner

Versus

Nbr Bearings Limited & Ors.

...Respondents

Mr.Rohan Sawant a/w Adv. Yash Pandya i/b Jayakar & Parnters for
the Petitioners.

Mr. J. K. Shah a/w Anand Pandey & Pooja Shah i/b R. J Law for
Respondent No.4.

Mr.Sanjay T. Manek for Respondent No.2.

CORAM : SHARMILA U DESHMUKH, J.

DATE : DECEMBER 20, 2023

P. C. :

1. The challenge in the Petition is to the order dated 11th October, 2023 passed by the Trial Court rejecting the Application filed by Defendant No. 1a for setting aside the no-cross order dated 11th July, 2023 passed by the Court. The RAE Suit is of the year 1987 and has been made time bound by this Court.

2. This Court is informed that the matter is fixed for final argument on 11th January, 2024. Considering that the right of the Defendant No. 1a to cross-examine the DW3 has been taken away, this Court prevailed

upon the parties to decide the date on which the cross-examination will be completed. Learned counsel for the Petitioner submits that on one date he will complete the cross-examination and that no further extension will be sought.

3. By consent of the parties, the cross-examination of DW3 is fixed on 5th January, 2024.

4. It is made clear that the DW3, is to make himself available on 5th January, 2024 and the cross-examination to be concluded on the same day.

5. In view of the above consensus the impugned order dated 18th October, 2023. is quashed and set aside.

6. In event the cross-examination is not concluded, no further adjournment will be granted for concluding the cross-examination. It is also clarified that the final hearing which is fixed on 11th January, 2024 will proceed as scheduled.

7. Petition stands allowed in the above terms.

(SHARMILA U. DESHMUKH, J.)