

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.2992/2019

Abhijit V Vijay and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.V. Sohoni, Adv for petitioner.
Mr. A.R. Deshpande, Adv for resp. no.1
Ms A.S. Athalye, Adv for resp. nos.6 to 8.
Mr. G.K. Sarda, Adv for resp. Nos.4 and 5.

CORAM : AVINASH G GHAROTE, J.

DATE : 13-02-2023

The petitions challenges the order dated 15-02-19 by which application for issuing summons to the witness namely Gajanan who has acted as broker and was pring to the entire provision has been rejected on the ground that the nexus has not been intimated in the application and the matter is old. In order to prove his case the plaintiff cannot be denied the opportunity to summon a person whom he considers appropriate to depose in support of his case, considering which, the impugned order is hereby set aside and the application at Exh 250 is hereby allowed, however, at the costs of Rs. 25000/- to be deposited as a condition precedent.

It is however made clear that the petitioner/plaintiff shall take appropriate steps for summoning the witness and serving him and witness shall be examined on 27-02-23 whose cross examination shall also be completed on the same day as per the statement of Mr. Deshpande, learned Counsel for the respondents which is so in view of earlier order passed by this Court. The trial Court to expedite the suit and the same shall be decided within a period of four months from today, in view of the earlier directions in this regard.

JUDGE