



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 4092 of 2024

Gangabai Babruwan Pavle

....Petitioner

VERSUS

The Chief officer

Nagar Parishad Ambajogai & others

.....Respondents

Mr. B. S. Chondhekar, Advocate for the Petitioner

Mr. V. V. Bhavthankar, Advocate for Respondent No. 1.

CORAM : R. M. JOSHI, J.

DATE : 26th JULY, 2024.

PER COURT :

1. Petitioner is Plaintiff in Regular Civil Suit No. 16/2019 and being aggrieved by order passed below Exhibit 117 by the Trial Court refusing to set aside the order of no evidence against him, has preferred this Petition.

2. Plaintiff examined 2 witnesses and evidence of witness Nishikant was over on 07.11.2023. The suit was adjourned on 05.12.2023 and 22.01.2024. However, Plaintiff failed to lead evidence and hence order came to be passed on 13.02.2024 of closing evidence of Plaintiff. By application Exhibit 117 the said order is sought to be set aside which is refused by the Trial Court.

3. None for the contesting Respondent. This indicates that they have no inclination to oppose the application. Learned counsel for Respondent No. 1 has no objection for allowing the Petition.

4. Learned counsel for the Petitioner makes a statement in instructions that the proceeding before the Trial Court is scheduled for hearing on 28.08.2024. he undertakes that he would file an application for issuance of witness summons to the employee of Municipal Council, Ahmednagar and would like to examine witness on the point of possession.

5. In the interest of justice, such opportunity deserves to be granted to the Plaintiff to prove his case. Record does not indicate that there was any intentional or deliberate act on the part of the Plaintiff to delay hearing of the suit. Hence, Petition is allowed. Impugned order is set aside. Learned Trial Court to make endeavour to decide this suit as expeditiously as possible.

(R. M. JOSHI)
Judge