



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8140 OF 2023

TARABAI MANOHAR RAHANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH TREASURER AND ANOTHER

Mr. S. S. Shaikh, Advocate for the petitioner
Mr. B. A. Shinde, AGP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 24th JULY, 2024

PER COURT :-

1. By filing this petition, petitioner is seeking one last opportunity to cross-examine original applicant.
2. Record indicates that the first no cross order came to be passed on 15/12/2018 in Civil M.A. No. 618/2016. The said application filed by the petitioner was allowed subject to cost. It is thereafter, adjournments were sought by the petitioner. During the period of Covid-19 pandemic obviously petitioner never appeared before the Court. On 21/01/2022 another application was filed vide Exhibit 33 for seeking leave to cross-examine the applicant. This application is refused by impugned order.
3. Only for the reason that the learned counsel for the petitioner, on instructions, makes statement that on the next date of

hearing the cross-examination of the applicant would be conducted/ concluded, this Court is inclined to entertain the petition and to give final opportunity to cross-examine, original applicant.

4. In the interest of the justice, impugned order is set aside. Petitioner be permitted to cross-examine applicant on 5th August, 2024 subject to cost of Rs.5,000/- to be paid to the High Court Bar Association Library, Aurangabad.

5. Learned Trial Court to ascertain before permitting petitioner to cross-examine applicant that cost so directed is paid. If cost is not paid before the date of hearing of application before Trial Court, petitioner's right to cross-examine shall stand forfeited and application be proceeded further as per law.

(R. M. JOSHI, J.)

ssp