



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 WRIT PETITION NO. 7286 OF 2023

**CHANDRAVADAN GOKUL AHER & ANOTHER
VERSUS
UDAYKUMAR GOKUL GILANKAR**

...
Advocate for the petitioners : Mr.S.N.Suryawanshi
Advocate for Respondent : Mr.P.P.Mandlik

...
**CORAM : ARUN R. PEDNEKER, J.
DATE : 01.10.2024**

P.C. :

- 1] Heard the learned counsel for the parties.
- 2] The petitioners challenge the order dated 19.06.2023 whereby the Court passed no cross order of plaintiff by the defendants.
- 3] The learned counsel for the petitioners submits that the respondent – plaintiff filed Special Civil Suit No.97/2017. By order dated 28.09.2021, the trial Court passed order of no cross. Thereafter, the petitioners filed an application below Exh.65 and 63 for setting aside the no cross orders dated 28.09.2021 and no evidence orders

dated 09.12.2022 respectively. By order dated 19.04.2023, the trial Court allowed both applications subject to payment of cost of Rs.5000/- to the respondent-plaintiff. Thereafter, the petitioner filed an application at Exh.67, seeking time to lead the evidence. The trial Court by order dated 09.06.2003 adjourned the matter to 19.06.2023 subject to payment of costs of Rs.2500/-. Thereafter the petitioners filed an application at Exh. 68 for adjournment and the said application is rejected by the trial Court by order dated 19.06.2023.

4] It is pertinent to note that the respondent-plaintiff has been attending the court proceedings diligently. Undisputedly, the respondent-plaintiff is resident of Pune whereas the petitioners-defendants are resident of Dhule. Therefore, it is difficult for the plaintiff to remain present before the Court on every date.

5] Be that as it may, in the interest of justice, the defendants are permitted to cross-examine the plaintiff. The plaintiff to remain present before the trial Court on 11th

November, 2024. The petitioners-defendants would cross examine the plaintiff on the same day. However, if the defendants failed to cross-examine the plaintiff on the same day, there would no further opportunity to the defendants to cross-examine the plaintiff. The opportunity is granted subject to payment of Rs.10,000/- to the plaintiff by the defendants. The cost be deposited before 11th November, 2024 in the trial Court.

6] Since the suit is kept pending for long period of time, the trial Court is directed to decide the same expeditiously, preferably within a period of one year from 11th November, 2024. The parties to co-operate in deciding the suit.

7] The impugned order stands modified to that extent. The Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC