



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO. 8962 OF 2023

Sheshrao Bhikaji Dabhade
Alias Sheshrao Godha
Alias Govind Dushing

....Petitioner

VERSUS

Vilas Damodar Tribhuvan

.....Respondent

.....

Mr. H. V. Tungar, Advocate for the Petitioner.

CORAM : R. M. JOSHI, J.

DATE : 20th JULY, 2024.

PER COURT :

1. Respondent is absent. He is served by paper publication.
2. Being aggrieved by order passed of closure of evidence, this Petition is filed by the original applicant in Civil M.A. No. 100/2018 for seeking permission to lead further evidence before Trial Court.
3. Learned counsel for Petitioner, on instructions, makes a statement that on 11.07.2022, affidavit of evidence is filed by Sheshrao Dabhade, but thereafter on account of his illness, he could not remain present to face cross-examination and hence his evidence

was closed. On instructions, he makes a statement that Petitioner Shehsrao Dabhade shall remain present before the Trial Court on 30.07.2024 and in any event evidence of the Petitioner/applicant therein shall be closed within a period of one month. His statement is accepted as undertaking.

4. In the interest of justice, the impugned order of closing evidence of applicant stands set aside. Trial Court to permit the applicant to undergo cross-examination and also to lead any other evidence within one month from the first date of hearing before the Trial Court. In case evidence is not led so, it would be open for the Trial Court to close evidence of applicant and pass appropriate order on merit.

(R. M. JOSHI)
Judge

dyb