



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

947 WRIT PETITION NO. 11087 OF 2024

Surendra Prafulchand Nahar
VERSUS
Shrenik Joharimal Parakh And Others

...
Advocate for the Petitioner : Mr. Deoda Mohit Lalit
Advocate for Respondent No.2 : Mr. Anil S. Bajaj

...
CORAM : ARUN R. PEDNEKER, J.

Dated : October 09, 2024.

PER COURT :-

1. Heard learned counsel for the parties.
2. It appears that in the instant matter, the plaintiff was present in the Court for cross-examination on 06/03/2024, however, he was not cross-examined, resulting in a no-cross order being passed. An application was subsequently moved for the recall of the no-cross order, but the Court dismissed this application, observing that an earlier no-cross order had also been passed and was recalled after 1½ years when the plaintiff witness, a professional elderly person, traveled from Mumbai for cross-examination. The Court noted that the cross-examination was not conducted by the defendant. Consequently, the Court remarked that the defendant's approach in the matter was not bona fide, leading to the issuance of the no-cross order.
3. The impugned order dated 06/03/2024 is challenged before this Court. However, *prima facie*, it appears that the order of the Trial Court is not erroneous. In the interest of justice, upon the deposit of the cost of Rs. 50,000/- on the next date of listing of the suit before the Trial Court to be paid to plaintiff No. 1, the defendant is permitted to cross-

examine plaintiff No. 1.

4. In the event that the petitioner fails to deposit the cost, the impugned order shall remain in effect.

5. If the petitioner deposits the cost of Rs. 50,000/- on or before the next date, the plaintiff shall remain present for cross-examination on the date set by the Trial Court.

6. Considering that the suit has been pending for a long time, the Trial Court is directed to decide the matter as expeditiously as possible.

7. In view of the above, the petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.