



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 14743 OF 2024

Chandrakant Mohan Jadhav

...Petitioner

vs.

State Of Maharashtra Thr Office
Of Government And Anr

...Respondents

Mr. Pradnyat Chabukswar a/w Shweta Rathod i/by Elixir Legal Servies	Advocate for the Petitioner
Mr. P. V. Nelson Rajan	AGP for the Respondent No. 1

CORAM : S. M. MODAK, J.

DATE : 10th DECEMBER 2024

P. C. :-

1. I have heard learned advocate for the Petitioner-Defendant.
2. The only order which is challenged in this petition is overturning the objection by the Defendant. The trial Court on one hand has overturned the objection of defendant taken for adjournment sought and on the other hand granted sought by the Plaintiff-Respondent. Copy of the order dated 20.04.2024 is annexed. The submission is the trial court ought not to have granted so many adjournments to the

Plaintiff for filing of the affidavit of the examination-in-chief. A reliance is placed by the Petitioner on observations made by the Hon'ble Supreme Court in case of *Shiv Cotex Vs. Tirgun Auto Plast Pvt. Ltd.*¹.

3. It is true that the Hon'ble Supreme Court has frowned upon the tendency of the litigant in seeking adjournment and there are certain observations to what extent such tendency of the litigant should be allowed by the Courts. Even though those observations are correct, on the basis of those observations, this Court feels that writ jurisdiction of this Court cannot be resorted too. The reason is the issue whether to grant adjournment or not is issue to be decided by the trial court on the basis of the facts and circumstances, that is discretion of the trial Court. Just because the trial court has granted time to the Respondent-Plaintiff to file affidavit of the examination-in-chief, this Court feels that it cannot be challenged by way of Writ petition.

4. There is a request by learned Advocate that Petitioner wants to engage Senior Advocate. I am not inclined to adjourn the matter. For the reasons stated above, there is no merit in entertaining this

1 (2011) 9 SC 678

petition.

5. In fact this Court is inclined to impose cost on filing of such meritless petition. There is request not to impose cost as Petitioner is poor. Hence no cost is imposed.

6. Writ Petition is dismissed.

[S. M. MODAK, J.]