

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.18547 OF 2024

SATISH
RAMCHANDRA
SANGAR

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SATISH RAMCHANDRA
SANGAR
Date: 2024.12.18
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M/s JKC General Trading Company
A Partnership Firm Registered under
Partnership Act, 1932, Having its
Registered Address at:- E-27, APMC
Market Complex-I, Phase-II, Turbhe,
Navi Mumbai : M 400 705.

...Petitioner

Versus

Goodrich Maritime Private Limited
Having its Registered Address at:-
2nd Floor, SAI Commercial Centre,
Govandi Station Road, Govandi (E),
Mumbai : 400 088.

...Respondent

Mr.Mutahhar Khan a/w Ms.Kavisha Shah i/b. India Law Alliance:-	Advocates for Petitioner.
Ms.Bhoomika Markani a/w Mr.Akshay K. Prakash:-	Advocates for Respondents.

CORAM : S. M. MODAK, J.
DATE : 12th DECEMBER 2024

P. C. :-

1. The matter is taken on board by way of *praecipe* moved on behalf of the Petitioner–Plaintiff.
2. The urgency is, now the suit is fixed tomorrow for dismissal. A

copy of roznama dated 5th December 2024 is annexed to the Petition. (Page No.64). The learned Judge noted the non-cooperation of the parties in seeking extension. The time-limit of six (6) months is fixed by this Court while disposing of the Writ Petition No.13547 of 2023 dated 15th March 2024. (Page No.41). The said Writ Petition was preferred by the Defendant challenging the order granting a conditional leave dated 5th July 2023.

3. At present, the Plaintiff has started with his evidence and it is for the Defendant to cross-examine him. Learned Judge noted in the order dated 5th December 2024 that both the parties have sought for adjournment on 19th November 2024 and 25th November 2024. In fact, the situation is otherwise. My attention is invited to the roznama dated 19th November 2024 (Page No.60) and roznama dated 25th November 2024 (Page No.61). It records, the Presiding Officer was on leave.

4. It seems, the trial Court granted adjournment on that date. However, when the matter came on board on 5th December 2024, no one has appeared including the Plaintiff witness. It seems, the trial Court was perturbed by these developments and this order having drastic consequences is passed.

5. Both the learned Advocates have expressed their willingness to co-operate further progress of the suit. Even, both of them have filed Affidavits. On behalf of the Petitioner-Plaintiff, the Affidavit is filed by one Nehul Vanducha stating that apart from him, they want to examine only one witness. (Para No.5 of the Affidavit). Whereas, the Respondent-Defendant has also filed the Affidavit affirmed by the Legal Manager. They want to examine only one witness. (Para No.3 of the Affidavit). In fact, recently, the Constitutional Bench of Hon'ble Supreme Court in case of *High Court Bar Association, Allahabad V/s. State of Uttar Pradesh and Others*¹ has clarified in which matters, the Constitutional Courts should give directions for time-bound disposal of the cases.

6. It seems that the trial Court was under pressure to dispose of the suit within the time-limit. In fact, learned Judge should not come under such pressure. Even though, time-bound direction is there, it does not mean that extension cannot be sought. Even, the parties have not sought extension, the learned Judge does not lose the right to seek an extension. But, in any eventuality, such orders having drastic consequences should not be passed. The Defendant has got every right

¹ (2024) 6 SCC 267

to cross-examine the Plaintiff, so also, the Plaintiff needs to be given a reasonable opportunity of adducing evidence. Considering the Affidavits filed before this Court, it is expected, that they will co-operate the trial Court for the disposal as early as possible.

7. In view of that, following order is passed:-

ORDER

- (i) The order of fixing the matter for dismissal on 13th December 2024 passed on 5th December 2024 is set aside.
 - (ii) The trial Court is directed to permit the parties to adduce evidence.
 - (iii) Let, copies of these Affidavits be filed by the concerned party before the trial Court.
 - (iv) It is expected for the parties to adhere to the commitments made in that Affidavit.
 - (v) Both are directed to co-operate the trial Court for early disposal.
8. In view of the above, **Writ Petition stands disposed of.**
9. Parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]