



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2434/2020

Shri Mahinder Singh S/o Bhagwant Singh Bhasin

...Versus...

Smt. Rekha Dayashankar Kamble and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. Shriram Deoras, Advocate for petitioner
Mr. A.Z. Mirza, Advocate for respondent nos.1 to 4

CORAM : N.R. BORKAR, J.

DATE : 18/07/2024

1. This petition takes exception to the order dated 15/02/2020, passed by the Civil Judge Junior Division, Hingna below Exhs.47, 48 and 49 in Regular Civil Suit No.149/2012.
2. The respondents herein have filed the above suit. On 04/02/2017 the suit was fixed for cross-examination of the respondents' witness. It appears that though the said witness was not present, opportunity of cross-examination was closed. The trial Court thereafter by order dated 15/01/2019, had closed the evidence of the petitioner.
3. Applications at Exhs.47, 48 and 49 were made to recall the orders dated 04/02/2017 and 15/01/2019. The trial Court has rejected the said applications by the order impugned.

4. In absence of witness, the trial Court ought not to have passed the order dated 04/02/2017. Considering the facts and circumstances, it would be appropriate to grant one more opportunity to the petitioner to lead evidence. The orders dated 04/02/2017 and 15/01/2019 are therefore set aside. Considering the fact that the suit is of the year 2012, the trial Court shall endeavour to decide the suit within a period of nine months from the date of receipt of copy of this order.

5. The writ petition is disposed of accordingly.
No order as to costs.

(N.R. BORKAR, J.)