



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

WRIT PETITION NO.3451/2024

Prashant S/o Wasudev Rangari

...Versus...

Mahendra S/o Fagoji Dhargave 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. N.B. Kalwaghe, Advocate for petitioner
Mr. H.A. Khedikar, Advocate for respondent no.1

CORAM : N.R. BORKAR, J.

DATE : 09/07/2024

1. This petition takes exception to the orders dated 12/04/2024 passed by the trial Court below Exhs.130 and 131 in Regular Civil Suit No.87/2022.
2. By the application at Exh.130 permission was sought by the petitioner/original defendant no.2 to file written statement by setting aside the orders dated 25/07/2022 and 17/02/2024, passed by the trial Court and by application at Exh.131 permission was sought to cross-examine plaintiff and his witnesses. By the impugned orders, the trial Court has rejected both the applications.
3. The learned counsel for the petitioner submits that initially no relief was sought against the petitioner and therefore, written statement was not filed. It is submitted that in the interest of justice petitioner be permitted to file written

statement so also permission to cross-examine plaintiff and his witnesses be granted.

4. It is not in dispute that initially no relief was sought against the petitioner.

5. Considering the overall circumstances, the orders impugned are set aside. The trial Court shall permit the petitioner to file written statement on record. The trial Court shall recall the plaintiff and his witnesses and shall permit the petitioner to cross-examine them. Time granted by this Court to decide the suit in question shall stand extended by four months from today.

6. The writ petition stands disposed of in the aforesaid terms. No order as to costs.

(N.R. BORKAR, J.)