

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

WRIT PETITION NO.5053 OF 2024

(Neeta d/o Late Sadashiv Wankar and another Vs. Maya wd/o Late Arvind Wankar and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. V. D. Muley, Advocate for Petitioners.
Mr. G. G. Saoji, Advocate for Respondent Nos.1 and 2.

CORAM: N. R. BORKAR, J.

DATE: 9th OCTOBER, 2024.

This petition takes exception to the order dated 11.03.2024 passed by 2nd Joint Civil Judge, Junior Division, Nagpur below Exhibit-85 in Regular Civil Suit No.1159/2023.

2. By the impugned order, the trial Court has rejected the application filed by the petitioner/defendant seeking permission to cross-examine the respondent/plaintiff and to lead evidence.

3. I have heard the learned counsel for the petitioner and the learned counsel for respondents.

4. It is not the case that earlier also similar defaults were committed. In that view of the matter, I am inclined to grant one opportunity to the petitioner – defendant. The order impugned is set aside.

5. The trial Court shall permit the petitioner – defendant to cross-examine the plaintiff. Petitioner – defendant shall also be permitted to lead evidence.

6. The petition is disposed of in the aforesaid terms.

(N. R. BORKAR, J.)