



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO. 734 OF 2024**

Wasudeo B. Shembekar ...Petitioner
Versus
Wasudeo M. Chorghade & Ors. ...Respondents

Mr. Uday Gosavi for the Petitioner.
Mr. Ganesh Umale, AGP for the Respondent/State.
Mr. Sanjay L. Kotwal for the Respondent Nos.1 to 7.

CORAM : N. R. BORKAR, J.
DATE : 30 JULY 2024.

PC:-

1. This petition takes exception to the order dated 1.12.2023 passed by the learned Civil Judge, Senior Division, Saoner below Exhibit-140 in Regular Civil Suit No. 163 of 2022.

2. The petitioner is a defendant in the suit filed by respondent Nos.1 to 7. The petitioner has already examined himself in support of his case. It appears that on 16.9.2023, pursuant to the witness summons issued by trial Court, the witness to whom the petitioner wanted to examine in support of his case was present. However, as the Presiding Officer was on leave, the matter was adjourned to 7.10.2023. On 7.10.2023, again the witness was present however, the matter was adjourned to 4.11.2023 due to non-availability of counsel

for respondent Nos.1 to 7. On 4.11.2023, the application was filed for adjournment on behalf of respondent Nos.1 to 7. Though there was application for adjournment the trial Court had closed the evidence of petitioner. By the order impugned, the trial Court has rejected the application filed by the petitioner to recall the order of closing evidence.

3. I have heard the learned counsel for the parties.

4. Considering the facts and circumstances of the case, it would be appropriate to grant one more opportunity to the petitioner. The order impugned is thus set aside. The trial Court shall permit the petitioner to examine the witnesses in support of his case. Since the suit is of the year 2012, the trial Court shall endeavour to decide the suit within a period of 9 months from the date of receipt of copy of this order.

5. The Petition is disposed of in the aforesaid terms.

6. Pending Application(s) , if any, are disposed of .

(N.R. BORKAR, J.)