



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

WRIT PETITION NO. 1057 OF 2024

(Mohan S/o Gopaldas Surjan
Vs.
Anant S/o Baburao Hajare)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.R. Chakole, Advocate for the Petitioner.
Mr. A.H. Joshi, Advocate for the Respondent.

CORAM: N.R. BORKAR, J.

DATED : 9th JULY, 2024

Heard.

2. This Petition takes exception to the order dated 29.11.2023 passed by the 2nd Additional Judge, Small Causes Court, Nagpur below Exh. 61 in R.C.S. No. 453/2012. The Respondent herein has filed the suit for eviction and possession against the Petitioner. By the order impugned, the learned Trial Court has rejected the application filed by the present Petitioner for grant of opportunity to cross examine the Respondent.

3. I have perused the impugned order. The Respondent had filed the affidavit of examination-in-chief on 19.08.2013. The cross-examination was not conducted for more than one year and thus on 28.01.2015 the right of

Petitioner to cross-examine the Respondent was closed. It appears that though, thereafter opportunity was granted to the Petitioner, however again cross-examination was not conducted and thus again on 13.08.2018, the right of Petitioner to cross-examine was closed. It appears that, thereafter also opportunity was granted, but again it was not avail.

4. Considering the facts and circumstances of the case, I am not inclined to interfere in the impugned order.

5. The Petition is **dismissed**. No costs.

6. Pending application/s, if any, shall stand disposed of accordingly.

(N.R. BORKAR, J.)