



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

960 WRIT PETITION NO. 15328 OF 2025

PARMESHWAR NAGORAO MORE AND OTHERS

VERSUS

SAROJA SUDHAKARRAO ARSUDE THR HER POA HOLDER SUDHAKAR
NARAYANRAO ARSUDE AND OTHERS

...
Advocate for the Petitioner : Mr. Shinde Manoj Dharmaraj
Advocate for Respondent 1 : Mr. Sharad Vijay Natu
...

CORAM : ARUN R. PEDNEKER, J.

Dated : December 18, 2025

PER COURT :-

1. The petitioners challenge the orders dated 18.11.2025 passed by the Civil Judge, Senior Division, Latur below Exhs. 69 and 70 in M.A. No. 15/2022. The petitioners have filed application below Exh. 69 for setting aside the no cross order and application below Exh. 70 for setting aside the evidence close order. The learned trial Court has rejected the applications.
2. The learned counsel for the petitioners submits that some cost may be imposed upon the petitioners and no cross order and evidence close orders be set aside. He submits that at the relevant time the defendant was unwell and has produced the medical record indicating the same and submits that the matter is fixed on 20.12.2025 and due to the impugned orders, the petitioners are not able to cross examine the witness of plaintiff and to lead their evidence.
3. Per contra, the learned counsel appearing for respondent No. 1 points out that the petitioner is not at all diligent in conducting the proceedings. The first no cross order dated on 30.11.2024 passed against the petitioners is set aside. Thereafter, another no cross order dated

4.3.2025 was set aside on 17.6.2025 by imposing cost of Rs.500/- on the petitioners. Thereafter, the present impugned orders are passed against the petitioners by the trial court. The learned counsel for the respondent No.1 submits that the petitioners want to delay the proceedings before the trial court and prays for dismissal of the writ petition.

4. Considering the medical papers produced and in the interest of justice, the impugned orders passed by the trial Court below Exhs. 69 and 70 are quashed and set aside, subject to deposit of cost of Rs.20,000/- in the trial court to be paid to the respondent No. 1 within a period of two weeks. In the event, the petitioners fail to pay cost amount to the respondent No. 1 as directed above, no further opportunity will be granted to the petitioners to cross examine the witness of plaintiffs and lead evidence. On such deposit of cost being made, respondent No. 1/original plaintiff is permitted to withdraw the same. Thereafter, the petitioner to proceed with the cross examination and shall complete their evidence before 15th February 2026.

5. With the above observations, the writ petition is allowed and disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/