

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5002 OF 2017

JAYANT
VISHWANATH
SALUNKE

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JAYANT VISHWANATH
SALUNKE
Date: 2025.07.28
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Shrimant Indiraraje Bhairavsinh	}	
Ghorpade & Anr.	}	Petitioners
versus		
Sunil Bajirao Ghorpade & Ors.	}	Respondents

Ms. Manjiri Parasnis for petitioners.

CORAM: ALOK ARADHE, CJ.

DATE: JULY 28, 2025

ORAL ORDER:

1. In this petition under Article 227 of the Constitution of India, the petitioners have assailed the validity of the order dated 24th January 2017 passed by the Trial Court, by which, the Trial Court has rejected the application seeking adjournment.

2. Facts giving rise to filing of the writ petition, in nutshell, are that the petitioner had filed a civil suit for possession. In the aforesaid civil suit, issues were framed on 25th January 2006 and thereafter, the affidavit of examination-in-chief of the petitioners/plaintiffs' witnesses was filed on 21st July 2012. The said affidavit of examination-in-chief was taken on record on 17th September 2012. The witnesses provided by the petitioner could not remain present before the Trial Court. The petitioners, therefore, made an application seeking adjournment, which has been rejected by the Trial Court by the impugned order.

3. Learned counsel for the petitioner submits that in case the petitioners are granted one opportunity, they shall keep all witnesses present before the Trial Court on a date which may be fixed by the Trial Court in this regard.
4. I have heard learned counsel for the petitioner and perused the record.
5. It is a well settled legal proposition that a party should have a reasonable opportunity to defend itself in the proceedings. The impugned order suffers from error apparent on the face of the record, which is, hereby, quashed and set aside.
6. The Trial Court is directed to fix a date for appearance of the witnesses of the petitioners and on the said date, the petitioners shall keep their witnesses available for cross-examination. The Trial Court shall proceed with the suit expeditiously.
7. Accordingly, the writ petition is disposed of.
8. Let a copy of this order be forwarded to the Trial Court forthwith.

(CHIEF JUSTICE)