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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8065 OF 2025
WITH
WRIT PETITION NO. 8067 OF 2025**

Fareeda Shabbir Nadaf and Others ... Petitioners

Vs.

Farzana Husain Sheikh and Others ... Respondents

Mr. Shantanu Patil a/w. Mr. Kunal Nalawade for the
Petitioners.

CORAM : GAURI GODSE, J.

DATE : 28th JULY 2025

ORDER :

1. Not on board. Taken on the production board.
2. Writ Petition No. 8067 of 2025 is for challenging order passed by the trial court refusing to set aside no cross order against defendant nos. 2 to 5.
3. Writ Petition No. 8065 of 2025 is filed to challenge the order refusing to set aside the order of no evidence against these defendants.
4. Learned counsel for the petitioners submits that the application for setting aside no cross order was a second

application. Though earlier 'No Cross' order was set aside, the petitioners could not conduct the cross examination. He submits that after the defendants appointed a new Advocate, he realised that the cross-examination has not been conducted; hence, he filed the application to set aside the 'No Cross' order.

5. Learned counsel for the petitioners further submits that to compensate the delay caused in the trial due to the applications filed by the petitioners, they would pay cost of Rs.5000/- in each petition for respondent nos. 1 and 2 – plaintiffs.

6. In view of the aforesaid submissions, issue notice to respondent nos. 1 and 2 for final disposal of the petition at admission stage. Notice is made returnable on 2nd September 2025.

7. In addition to the court notice, learned Advocate for the petitioners to serve respondent nos. 1 and 2 by private service and file service affidavit before the next date.

8. The petitioners are permitted to deposit Rs.10,000/- in the trial court towards cost for respondent nos. 1 and 2.

Respondent nos. 1 and 2 are permitted to withdraw the amount on production of authenticated copy of this order in the trial court.

9. The trial court shall defer the further hearing of the suit beyond the returnable date of this petition.

10. It is clarified that, if the amount of cost is not paid as permitted by this order, the petitions will stand dismissed without further reference to the court.

11. Learned Advocate for the petitioners shall ensure that copies are supplied and court notice is issued by taking hamdast, failing which the ad-interim protection granted by this order shall stand vacated.

[GAURI GODSE, J.]