

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.15891 OF 2025**

|                           |               |
|---------------------------|---------------|
| Ramnath Bhikaji Ambetkar  | ...Petitioner |
| <i>Versus</i>             |               |
| M/s. Gammon India Limited | ...Respondent |

---

Mr. Yuvraj Patil, for the Petitioner.  
Mr. Harshal Damania, for the Respondent.

---

**CORAM: MADHAV J. JAMDAR, J.  
DATED : 18<sup>th</sup> DECEMBER 2025**

**PC:-**

1. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the order dated 21<sup>st</sup> August 2025 passed below Exhibit-1 in R.A.E. Suit No.2107 of 2010 by which the evidence of the Defendant No.2 is discarded and closed (It is wrongly mentioned in the order that the evidence of Defendant No.1 is discarded and closed.). The challenge is also to the order dated 28<sup>th</sup> October 2025 passed below Exhibit-70 in R.A.E. Suit No.2107 of 2010, by which recall of said order dated 21<sup>st</sup> August 2025 has been rejected.

2. The learned Trial Court has recorded that the matter is 15 years old and has remained pending at the same stage since 2023

solely due to repeated negligence of the Defendant i.e. present Petitioner and his Advocate.

3. Mr. Patil, learned Counsel appearing for the Petitioner submits that when the order dated 21<sup>st</sup> August 2025 was passed, the witness was present in the Court. However, he requested that cross-examination be conducted in the presence of his Advocate and thereafter, the impugned order has been passed. He submits that now the matter is adjourned to 6<sup>th</sup> January 2026 and the Petitioner i.e. Defendant No.2 will be available for cross-examination. He submits that on that day his Advocate will also remain present and he submits that in any case, the Petitioner is available for the cross-examination on 6<sup>th</sup> January 2026 or any other date as granted by the learned Trial Court and the Petitioner is ready to face cross-examination, even if, the Petitioner's Advocate remains absent.

4. Mr. Harshal Damania, learned Counsel appearing for the Respondent submits that the Respondent has no objection for setting aside the impugned order by consent. However, he submits that the Petitioner shall undertake to remain present on 6<sup>th</sup> January 2026 or any other date as granted by the learned Trial Court and the Petitioner should not seek any time.

5. Mr. Patil, learned Counsel appearing for the Petitioner, on instructions of the Petitioner, submits that the Petitioner will comply with the same.

6. Accordingly, by consent of the parties, the order dated 21<sup>st</sup> August 2025 passed below Exhibit-1 in R.A.E. Suit No.2107 of 2010 and the order dated 28<sup>th</sup> October 2025 passed below Exhibit-70 in R.A.E. Suit No.2107 of 2010 are quashed and set aside.

7. Resultantly, the order directing closure of the evidence of Defendant No.2 is set aside, on the condition that the Petitioner i.e. Defendant No.2 shall remain present on the adjourned date of the suit i.e. on 6<sup>th</sup> January 2026 or any other date as granted by the learned Trial Court and shall be ready for the cross-examination.

8. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs. The cost which has been deposited in this Court pursuant to order dated 24<sup>th</sup> November 2025 is allowed to be withdrawn by the Respondent.

**[MADHAV J. JAMDAR, J.]**