



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

Writ Petition No.4100/2025
Vasantarao V Vivek

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.S. Chawhan, Advocate for petitioner.
Mr. V. Vyawahare, Advocate for Caveator/respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 11-09-2025.

Heard Mr. Chawhan, learned Advocate for the petitioner.

2. The petitioner's challenge is to order dated 20-06-2025 passed by the trial Court rejecting the application filed by the petitioner/defendant for setting aside no cross order and permission to cross examine the plaintiff's witness.

3. Learned Counsel for the petitioner submits that the petitioner who is original defendant is contesting the suit and he has already filed the written statement. It is submitted that the petitioner's valuable right to conduct the cross examination is taken away and in the interest of justice the petitioner be permitted to conduct the cross examination by setting aside no cross order.

4. Petitioner also submits that the defendant is ready to conduct cross examination immediately on granting the permission on next date when the matter is fixed before the trial Court. Learned Counsel for the respondent is fair enough to agree to the

contention that the right of cross examination is a valuable right of the parties, however, he submits that the defendant has not earlier cross examined the plaintiff on several dates and the plaintiff being a Kidney patient was required to suffer inconvenience.

5. Learned Counsel for the respondent also states that in case the petitioner/defendant is ready to cross examine the witness on next date the same can be proceeded.

6. Having regard to the limited controversy, in the interest of justice the petitioner needs to be permitted to conduct cross examination of the defendant. It is desirable that suit is decided on merits, hence, the impugned order dated 20-06-2025 passed by the trial Court on application at Exhibit-49 in Special Civil Suit No.546/2019 is quashed and set aside. Application at Exhibit-49 is allowed. The petitioner/defendant is permitted to conduct cross examination of the plaintiff on next date of the civil suit.

7. At this juncture, on instructions learned Counsel for the plaintiff states that, the plaintiff shall remain present for cross examination before the trial Court on 17-09-2025 on which date the defendant is directed to conduct cross examination.

8. Considering the fact that the plaintiff is a senior citizen and suffering from certain ailments, the proceedings of the civil suit needs to be expedited.

9. In view of the controversy involved, proceedings of the civil suit be expedited and the trial Court should endeavour to decide the suit within six months from today. The parties are directed to cooperate on every stage of the suit without seeking adjournment on unnecessary grounds

10. In view of this, Writ Petition is disposed of.

(Prafulla S. Khubalkar, J.)