



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 19 of 2025

[Sakharam s/o Baburao More and ors. **..vs..** Manish Avinash Niwalkar]

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

Court's or Judge's orders

Mr. A. S. Dhore, Advocate for the petitioners
Mr. Shubham C. Jadhav with Mr. R. B. Dhore, Advocates for respondent

CORAM : ANIL L. PANSARE J.

DATED : 01-07-2025

Heard.

2. The request for adjournment made by the petitioners – original defendants has been rejected mainly on the ground that presence of witness has been secured after long time and further that witness has come from other City, namely, Nanded. The witness is a Government Servant, namely, T.I.L.R.

3. The petitioner sought adjournment on the ground that some important documents and some important instructions were to be obtained from the petitioners. As such, these grounds are vague. Nonetheless, to deny opportunity to cross-examine witness is something that will infringe petitioners' right to effectively defend the case.

4. Learned counsel for the respondent has invited my attention to the note made by the learned Judge wherein below the chief-examination of respondent's witness, the Court has noted that the petitioners' counsel has refused to cross-examine the witness.

5. Learned counsel for the petitioners submits that this noting appears to have been recorded by reading one line of the grounds of adjournment in isolation. What has been mentioned in the application seeking adjournment is that for

want of important documents and important information, the counsel will be unable to cross-examine the witness on that day. Learned counsel for the petitioners is right in contending that this line cannot be read in isolation to say that the petitioners' counsel has refused to cross-examine the witness.

6. There is another reason in support of petitioners' submissions. If the petitioners' counsel had indeed refused to cross-examine witness, the trial Court would have rejected the application seeking adjournment on the said ground. However, application has been rejected for different reasons.

7. As such, the grounds put forth for adjournment are vague, however, the same also could have been dealt with by imposing costs.

8. Resultantly, writ petition is allowed. Order dated 22-8-2024 passed by Civil Judge Junior Division, Chikhali, below Exhibit 33 in Regular Civil Suit No. 21/2019 is quashed and set aside. The petitioners shall pay costs of Rs. 10,000/- to the respondent by depositing the same before the trial Court within 15 days from today.

9. Writ petition is disposed of in above terms.

(Anil L. Pansare, J.)