



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

Writ Petition No. 355 of 2025

Kamalkishor s/o Bhikuram Kedia (Dead), through L.R.s Smt. Sheela wd/o Kamalkishor Kedia
and ors. **..vs..** Shri Abdul Salim s/o Sattar Miya and ors.]

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

Court's or Judge's orders

Mr. Ritesh Badhe, Advocate for the petitioners
Mr. M. R. Johrapurkar, Advocate for respondent no. 7

CORAM : ANIL L. PANSARE J.

DATED : 21-01-2025

Heard for some time.

Prima facie it appears that the petitioners were not diligent in pursuing the cause. It further appears that Special Civil Suit No. 353/2008 was withdrawn on 29-7-2020. Thereafter application came to be filed for restoration of suit, and to make out a case, evidence was led. The evidence of applicant was closed on 17-2-2023. Thereafter respondent adduced evidence. The applicants, after about 1½ years of closure of evidence, have then moved application, Exhibit 60 for adducing further evidence, which was allowed on 6-7-2024. The applicants, however, failed to adduce evidence on the next date and, therefore, the evidence was again closed on 3-8-2024. Thereafter, after couple of adjournments, yet another application came to be filed on 5-9-2024 for setting aside the order of no evidence. The Court observed that the application is not supported by document nor is affidavit of evidence filed and accordingly held that despite giving sufficient opportunities, the applicants failed to avail the same and rejected the application.

In the light of above, the petitioners shall justify inaction during the period from 17-2-2023 till 6-7-2024. The petitioners shall also place on record the order of withdrawal of suit.

The petitioners are praying for interim relief. However, for the reasons noted above, no case for interim relief is made out. The request is rejected.

At the request of learned counsel for the petitioners, stand over to 23-1-2025.

(Anil L. Pansare, J.)

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