

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXH - 1

IN

R.A.E. SUIT NO.1749 OF 2016

(CNR NO. : MHSCA2-004101-2016)

Kamlesh Singh Harnamsingh Chowhan ..... Plaintiff

Vs.

Anil Shivalal Shah ..... Defendant

**Appearance :**

Plaintiff – in - person

Mrs. Jyotsna V. Vyas, Ld. Advocate for the defendant

**Coram :- Rohinee S. Bondre**

**Judge,**

**Court Room No.20**

**Date :- 22.07.2026**

**ORDER :-**

Heard. Perused the record. Today, the matter is fixed for the cross-examination of DW1. The Plaintiff is present in person and is ready to cross-examine the witness. However, when the matter was called, neither DW1 nor the learned Advocate on record for the Defendant remained present. The holding Advocate, Shri A. M. Hippargi, appeared and made an oral request for an adjournment. The record shows that DW1 has remained absent on the last three consecutive dates fixed for cross-examination. No written application seeking adjournment has been filed, nor has any sufficient cause been shown for the absence of the witness. The present suit is more than 10 years old and has remained pending without any progress for the last three dates. The Hon'ble Supreme Court and the Hon'ble Bombay High Court have repeatedly directed to expedite

the old matters. In these circumstances, granting a further adjournment would unnecessarily delay the proceedings. Considering the age of the suit, the repeated absence of DW1, the absence of any sufficient cause, and the need for expeditious disposal, this Court finds that no further opportunity deserves to be granted. Accordingly, the following order is passed:

**ORDER**

1. The evidence of DW1 is hereby discarded.
2. The evidence of Defendant is hereby closed and matter be posted for final argument.

Dt: 22.07.2026

**[Rohinee S. Bondre]**  
**Judge, Court Room No. 20**