



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2626 OF 2019

Basil Shamrao Rath and ors.Petitioners

v/s.

Chandrakant V. Patil (since deceased
through legal heirs) :

Vidya Chandrakant Patil and ors. Respondents

Ms. Joyce Rath i/b. Adeline Rodrigues for the Petitioners.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 16th MARCH, 2021.

P. C. :-

1. The Petitioners herein have challenged the order dated 21/03/2018 whereby the learned Judge, City Civil Court, Greater Mumbai has allowed Notice of Motion No.1472 of 2017 and has permitted the Defendant No.1(a) to cross-examine the Plaintiff's witness.

2. The records reveal that an ex-parte order was passed against Defendant No.1(a) on 25/11/2013. The Defendant No.1(a) was not present nor represented by any advocate on subsequent dates. On 23/11/2016, the evidence of PW1 was concluded and since the Defendant No.1(a) was not represented by any advocate, the cross-



examination of PW2 was closed. The records reveal that the defendant has not filed any application for setting aside the ex-parte order and has not sought leave to file the written statement.

3. Under the circumstances, ad-interim relief is granted in terms of prayer clause (c). Issue notice to the Respondents, returnable on **16/04/2021**. Private service is permitted. Parties are put to notice that an endeavour will be made to dispose of the Petition finally at the stage of admission.

(SMT. ANUJA PRABHUDESSAI, J.)