



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO. 13580 OF 2025

SHRENIK JOHARIMAL PARAKH AND ANOTHER
VERSUS
CHANCHALBAI PRAFULCHAND NAHAR AND OTHERS

...
Advocate for the Petitioners : Mr. Anil S. Bajaj
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 14.11.2025

PER COURT:

1. Heard.

2. The learned counsel for the petitioners points out order dated 09.10.2024, passed in Writ Petition No.11087 of 2024, where this court had permitted the defendant no.2 to cross-examine the plaintiff on payment of costs of Rs.50,000/-.

He further submits that thereafter instead of depositing the costs the application was filed by another defendant i.e. defendant no.3, who is the brother of defendant no.2 for setting aside the *ex parte* order, so as to enable them to cross-examine the plaintiff without payment.

It has been noticed by this court earlier that the defendants have been protracting the matter and the plaintiff is a elder person, who has to travel from Mumbai for cross examination

and the defendants have not conducted the cross-examination. Therefore, this court, in the interest of justice, on payment of costs of Rs.50,000/- permitted Defendant No.2 to cross-examine the plaintiff.

3. Considering these aspects of the matter, issue notice to the respondents, returnable on 12.12.2025.

4. Till the next date, there shall be stay to the impugned order dated 20.08.2025, passed at Exhibit-84 in Special Civil Suit No.20 of 2018, by the learned 3rd Joint Civil Judge (Senior Division), Dhule.

5. Stand over to 12.12.2025.

[ARUN R. PEDNEKER, J.]

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