

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

**WRIT PETITION NO.3369 OF 2014**

**Ajit Ratnakar Bagwe**

**.. Petitioner**

**Versus**

**Jayantilal Velji Satra and others**

**.. Respondents**

**Shri. N. P. Wagle, for the Petitioner.**

**None for the Respondents.**

**CORAM : R.M. SAVANT, J.**

**DATE : 11<sup>th</sup> DECEMBER, 2015**

**PC.**

1. The Writ Jurisdiction of this Court is invoked against the order dated 11.04.2012 passed by the Learned Judge of the Small Causes Court, by which order the application filed by the Defendant Nos.3(b) and 3(c) for permitting them to cross-examine the Defendant No.1 came to be rejected. The said rejection is on the ground that the dispute as regards who is the legal heir of the deceased original Defendant, is not the controversy which is to be decided in the suit in question, for which the Defendants would have to file appropriate proceedings against each other. Therefore there is no warrant to permit the Defendant Nos.3(b) and 3(c) to cross-examine the Defendant No.1. The Trial Court has further observed that the two sets of the Defendants are prosecuting the proceedings

against the Plaintiff who has filed the suit for eviction on the ground of bonafide requirement and therefore it is not a case where one set of Defendants are in collusion with the Plaintiff. Having regard to the said reasons, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

**[R.M. SAVANT, J]**