

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

**WRIT PETITION NO.5239 OF 2013**

**Shri. Dattatraya Vithoba Kasar**

**.. Petitioner**

**Versus**

**Shri. Sharad Uttamchan Lunawat**

**.. Respondent**

**Shri. Balasaheb Deshmukh, for the Petitioner.**

**Shri. Jayesh B. Kocheta, for the Respondent.**

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

**DATE : 27<sup>th</sup> FEBRUARY, 2015**

**PC.**

1. The Writ Jurisdiction of this Court is invoked against the order dated 03.04.2013 passed by the Learned 5<sup>th</sup> Joint Civil Judge, Senior Division, Pune, by which order the application filed by the Defendant for permission to cross-examine the Plaintiff has been rejected.

2. Having regard to the fact that the suit in question is filed under Order XXXVII Rule 7 of the CPC as also having regard to the fact that the Defendant was granted conditional leave, and the condition being not complied with by the Defendant, the Trial Court was right in rejecting the said application. There is no warrant to interfere with the impugned order in the Writ Jurisdiction of this Court. The Writ Petition is accordingly dismissed.

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