

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

WRIT PETITION NO.5238 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 : 27th FEBRUARY, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 03.04.2013 passed by the Learned 5th 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]