

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

WRIT PETITION NO.13780 OF 2019

VEENA WAMANRAO KURUNDKAR DIED LRS WAMAN DEVIDAS  
KURUNDKAR  
VERSUS  
MALTIBAI GOPALRAO KATE DIED LRS 1.1 NANDKUMAR GOPALRAO  
KATE AND OTHERS

...

Advocate for the Petitioner : Shri Mandlik Pratap P.

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**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 18<sup>th</sup> November, 2019**

**Per Court:**

1           The petitioner/ original plaintiff is aggrieved by the order dated 26.06.2019 passed by the Trial Court, by which, the application exhibit 166 filed by defendant nos.1/1, 2/1 and 2/3 in RCS No.16/2004, has been allowed and these legal heirs have been permitted to cross examine the plaintiff witness.

2           The learned advocate for the petitioner submits that though the Trial Court is under the mandate of the High Court to decide the suit on or before 31.12.2019, the matter has not progressed from 26.02.2019 as the petitioner has filed the adjournment applications before the Trial Court due to the filing of this writ petition.

3           The record reveals that the suit was earlier decreed on

19.10.2015. The Appellate Court set aside the judgment vide its judgment dated 13.12.2017 in RCA No.48/2015 and directed the Trial Court to frame the issues on the point as to whether, the third defendant was a bonafide purchaser of the suit property and then, decide the suit afresh by giving liberty to the parties to lead evidence and file documents.

4           The above matter traveled to this Court in Writ Petition No.2498/2018 at the behest of the original defendants. This Court interpreted the directions of the first Appellate Court and concluded that the first Appellate Court had directed the Trial Court to decide the suit afresh after framing some more issues. By order dated 13.03.2019, this Court partly allowed Writ Petition No.2498/2018 and permitted the legal heirs of the deceased defendant nos.1 and 2 to file their written statement and then proceed to participate in the said suit.

5           Considering the above, I do not find that the Trial Court has committed any error in permitting the said legal heirs to cross examine the plaintiff witness in the course of their participation in the suit after they filed their written statement. This Writ Petition being devoid of merit is, therefore, dismissed.