

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12301 OF 2016

Shri.Kisan Vitthal Kadam & Ors. ... **Petitioners**
Versus
Sou.Indumati Gahininath Vyavhare ... **Respondent**

.....
Ms.Rutuja Chakor i/b. Mr.Sachin B. Thorat, Advocate for the
Petitioners.

Mr.Purushottam G. Chavan, Advocate for the Respondent.

....

CORAM : A.M.BADAR J.

DATED : 14th NOVEMBER 2019.

P.C. :

1 By this petition, defendants are challenging the Order dated 21/04/2018 passed by the learned trial Court thereby ordering no-cross of witness for the plaintiff by the defendants.

2 Heard the learned Counsel appearing for the petitioners/original defendants as well as the learned Counsel appearing for the respondent/original plaintiff.

3 According to the learned Counsel for the petitioners/defendants, the learned trial Court ought to have granted opportunity to the defendants to cross-examine the witness for the plaintiff.

4 I have perused the impugned Order. Several opportunities were granted by the learned trial Court to the defendants to cross-examine witness of the plaintiff whose evidence was adduced on affidavit on 10/06/2014. However, those opportunities were not availed by fully cross-examining the witness for the plaintiff. Therefore, I see no infirmity in the impugned Order. The discretion in closing the cross-examination after conducting part cross-examination by the learned Counsel for the defendants is perfectly in consonance with the provisions of law.

5 The petition, as such, is devoid of merit and the same is, therefore, dismissed.

(A.M.BADAR, J.)