SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1966 OF 2018

Arun Bapuso Magdum & Ors. ..Petitioners.
V/s.
Sou. Suman @ Shanta Shamrao Dhere & Ors. ..Respondents.

None for the petitioners.

Mr.Abhijit M.Adagule for respondent No.1.

CORAM : M.S.SONAK, J.

DATE : APRIL 1, 2019

P.C.:-

On December 14, 2018, this matter was adjourned beyond vacation as neither the petitioners nor their advocate were present. Today, when the matter is called out, the same position continues. Mr.Abhijit Adagule, learned counsel appears for respondent No.1.

2. From the perusal of the impugned order, no error can be said to have been committed by the learned trial Judge. Learned trial Judge has dismissed the application made by respondent Nos.4 to 9 to cross-examine the plaintiff.

3. Learned trial Judge has rightly observed that, "*From the*

perusal of the above order, only heirs of deceased defendant No.1-Anusayabai are permitted to lead evidence in the suit and the plaintiff and other defendants are given opportunity to lead their evidence to the extent to meet the case that would be made out by the legal representatives of defendant No.1"

4. For the aforesaid reasons, this petition is liable to be dismissed and is hereby dismissed. There shall be no order as to costs.

(M.S.SONAK, J.)