

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5482 OF 2021

Kailas s/o Bhivaji Kharkate

Vs.

Bhalchandra s/o Yadavrao Ratnaparkhi and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. R. Bhishikar, Advocate for petitioner.

CORAM : AVINASH G. GHAROTE, J.

DATE : 23/12/2021

Heard Mr. Bhishikar, learned counsel for the petitioner.

2. The application at Exh.159 filed by the plaintiff, seeking to examine the defendant No.1 as the witness for the plaintiff, has been rejected by the learned Trial Court by the impugned order.

3. There is no provision, permitting the other side, an adversary in the litigation to be called as a witness for the contesting party.

4. Mr. Bhishikar, learned counsel for the petitioner has not able to point out any provision in this regard, either in the Evidence Act or in the Code of Civil Procedure. The practice of calling the adversary as a witness for the opposite party has been frowned upon by the Hon'ble Apex Court. I therefore, do not see any infirmity in the impugned order. Though the reason may

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be improper the effect is correct. The petition is therefore, dismissed. No costs.

JUDGE

Sarkate