

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**WRIT PETITION NO. 1788 OF 2022**

( Ashok s/o Khubchand Vaswani ..vs.. Anil s/o Shyamkumar Vaswani 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.A. Lalwani, Counsel for the petitioner.

**CORAM : ROHIT B. DEO, J.**

**DATED : 01-04-2022**

This petition is absolutely frivolous.

2. Evidence was adduced by the parties on preliminary issue.

3. The learned trial Judge decided the preliminary issue and held that the Small Causes Court, Nagpur was not competent to entertain the suit.

4. The order on preliminary issue was challenged in this Court.

5. This Court set aside the order on preliminary issue on the premise that incidental questions touching title could be decided.

6. The plaintiff filed a praecipe adopting the evidence adduced at the stage of preliminary issue.

7. The defendants sought permission to cross-examine the plaintiff, which the defendants were undoubtedly entitled to do since the evidence adduced earlier and needless to say, the cross-examination was restricted to the preliminary issue.

8. The learned trial Judge has rightly permitted the defendants to cross-examine the plaintiff.

9. The petition is dismissed.

**JUDGE**

*adgokar*