

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.8476 OF 2023**

Shankar Sidramappa Patil

...Petitioner

**Versus**

Chandrakant Sidramappa Patil and Another

..Respondents

*Mr. Ajit V. Alange for the Petitioner.*

**Coram : Sharmila U. Deshmukh, J.**

**Date : 13<sup>th</sup> July , 2023.**

**P. C. :**

1. Heard.
2. The challenge in the Petition is to the order dated 9<sup>th</sup> March, 2023 permitting the Defendant No.1 liberty to lead the evidence after setting aside the no cross order.
3. Learned counsel appearing for the Petitioner pleads that the plaintiff's evidence is completed and thereafter evidence of Defendant No.2 is already been led. He would further submit that subsequently the Defendant No.1 has filed an application for setting aside no cross order and for permission to lead evidence.
4. It is not disputed that in the year 2017 itself Defendant No.1 has filed his written statement. No doubt it is expected of the Defendant to be vigilant and to protect his rights. However, in the

interest of justice, in my opinion, the Defendant No.1 should be permitted to contest the suit on merits.

5. In exercise of jurisdiction under Article 227 of the Constitution of India I am not inclined to interfere with the order permitting the Defendant to contest the matter on merits.

6. Writ Petition stands dismissed.

**[Sharmila U. Deshmukh, J.]**