

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO. 15048 OF 2022

Brijbhushan Shivshankar Gupta

..Petitioner

Versus

Manohar Namdev Kadu

..Respondent

Mr. Ashwin Shete a/w. Santosh Avhad i/b. Jayakar and Partners
for Petitioner.

Mr. Mandar Limaye for Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 28 APRIL 2023

PC :

1. The Petitioner has approached this Court challenging the order dated 13/01/2021 passed by 4th Jt. Civil Judge, S.D., Panvel, below Exhibit-60 in Spl.C.S.No.132 of 2010. By the impugned order the Petitioner who is the Plaintiff is directed to be recalled for further cross-examination.

2. Today, learned counsel for the Respondent, on instructions, states that the impugned order can be set aside and the Petitioner need not be recalled for further cross-examination.

However, all the questions and issues raised by the Respondent be

specifically left open.

3. The stand taken by learned counsel for the Respondent is reasonable and fair. Therefore, on the basis of this concession, the petition is allowed.

4. The impugned order dated 13/01/2021 passed by 4th Jt. Civil Judge, S. D. Panvel, below Exhibit-60 in Spl.C.S.No.132 of 2010, is set aside; mainly because the concession is given by the Respondent and as the impugned order was passed on the application made by the Respondent/defendant. All other contentions raised by both the parties are specifically left open to be decided during trial.

5. The Petition is disposed of.

(SARANG V. KOTWAL, J.)