

SA Pathan

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

WRIT PETITION NO.1443 OF 2023

Prabhavati Sambhaji Deshmane & Ors. ... Petitioners

V/s.

Vasudev Pandurang Kirave & Anr. ... Respondents

Mr. Dilip Shinde i/by Mr. Mukund S Mane, for the
Petitioner.

Mr. Ajit J. Kenjale a/w Mr. Azharuddin Khan for
Respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 14, 2023

P.C.:

1. Defendant Nos.2 to 4 in a suit for partition are challenging order passed the Trial Court directing them to cross-examine defendant No.1 before the plaintiff.

2. It appears that defendant Nos.2 to 4 are supporting to the suit of plaintiff. If this be so, supporting defendant Nos.2 to 4 must cross-examine defendant No.1 before the contesting plaintiff. The rational being of this principle is that the rights created in favour of supporting parties should not prejudice the contesting party. Defendant Nos.2 to 4 are supporting the suit of plaintiff. Therefore, I do not find any infirmity or illegality in the

order passed by the Trial Court.

3. The writ petition is disposed of. No costs.

(AMIT BORKAR, J.)