

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

Writ Petition No.111/2023

Pramod and another V Paikanna and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. V.N. Morande, Adv. for petitioners.

CORAM : AVINASH G GHAROTE, J.
DATE : 07-01-2023

Herd Mr. Morande, learned Counsel for the
petitioners.

2. The petition challenges the order dated 26-09-22 below Exh 110, whereby the trial Court has rejected the application filed by the petitioner/defendant nos. 2 and 3 for grant of permission to cross examine the plaintiff. It is an admitted position that the plaintiff had examined himself on 17-11-18 and was cross examined on 8-7-19. The defendant, thereafter, amended the written statement, consequent to which the issue of possession was framed. The plaintiff has not reexamined herself on the issue of possession and at the stage when the defendant had already entered the witness box and was cross examined at this stage this application has been filed, to cross examine the plaintiff on the issue of possession. Since the plaintiff had chosen not to examine himself on the issue of possession after the issue was framed, there is no question of permitting to cross examine the plaintiff in regard to

that issue.

3. I do not see any merit in the petition, the same is therefore dismissed. No costs.

JUDGE

Deshmukh