



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13658 OF 2023

LEELA MANOHARRAO DEO THROUGH LRS MANOHARRAO ANANTRAO
DEO AND OTHERS

VERSUS

THE BANK OF BARODA THROUGH ITS GENERAL MANAGER AND
ANOTHER

Mr. S. R. Andhale, Advocate for the petitioners

Mr. P. N. Kalanni, Advocate for respondent Nos.1 to 2

CORAM : R. M. JOSHI, J.

DATE : 24th JULY, 2024

PER COURT :-

1. The petitioners are original plaintiffs in Rent Suit No. 32/2016 pending before CJSD, Aurangabad is aggrieved by refusal of the Trial Court to permit them to cross-examine defendants' witness Shailendra Borkar.

2. Heard learned counsel for both sides for some time. The suit is for recovery of possession of the suit property. The substantial rights of parties are involved herein. In such circumstances, this Court is of the view that one more opportunity is required to be given to the plaintiffs to cross-examine DW-1 Shailendra Borkar. Learned counsel for the petitioners makes statement that the next date of the proceeding before the Trial Court is on 29th August, 2024 and on that day he will cross-

examine the said witness.

3. Learned counsel for the respondent makes statement to keep the said witness present on that day.

4. In view of this statement, petition stands allowed. Impugned order stands set aside. Petitioners/original plaintiffs are permitted to cross-examine the DW-1 on 29th August, 2024 if the said witness is present on that day. For any unavoidable reason if the witness is not present then the Trial Court to permit plaintiffs to cross-examine the said witness on the next date of hearing and in no circumstances beyond the said date.

5. Petition stands allowed.

(R. M. JOSHI, J.)

ssp