



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO. 4152 OF 2020

AVINASH MADHAVRAO PATIL BALEGAWE
VERSUS
RAVI GANPATRAO MADREWAR AND OTHERS

Mr. O. M. Joshi h/f Mr. S. V. Natu, Advocate for the Petitioner
Mr. R. C. Bora h/f Mr. A. H. Kasliwal, Advocate for Respondent No.1
Mr. S. K. Shirse, AGP for Respondent Nos. 8 and 9/State.

CORAM : R. M. JOSHI, J.

DATE : 24th JULY, 2025

PER COURT :-

1. Heard learned Counsel for the Petitioner, learned Counsel for Respondent No.1 and learned AGP for Respondent Nos. 8 and 9. None appeared for rest of the Respondents.
2. This Petition takes exception to the order passed below Exhibit 564 in R.C.S. No. 11 of 2009, whereby the Application filed by the Defendant No.3/Petitioner for permitting cross-examination of Defendant No.1 is refused.
3. Learned Counsel for the Petitioner submits that in view of the Application Exhibit 564, apart from the transaction of sale in question, since evidence is laid on other documents, cross-examination of Defendant No.1 by Defendant No.3 is justified.

4. Perusal of the record indicates that Defendant Nos. 1 to 3 filed written statement admitting the transaction of sale deed bearing No. 115 of 2003. As rightly observed by the Trial Court that in the written statement filed by Defendant No.3 there does not appear any adverse interest of the Defendants against each other. The Trial Court has correctly placed reliance on the provision of Sections 137 and 138 of the Evidence Act in order to reject the Application for cross-examination. In the facts of the case no interference is caused. Hence, Writ Petition stands dismissed.

(R. M. JOSHI, J.)

ssp