

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

WRIT PETITION NO.6029 OF 2024

Ibrahim Fakir Qureshi and ors. ... Petitioners
V/s.
Hujur Makbul Mulani and ors. ... Respondents

*Mr. Prasad P. Kulkarni with Mr. Nakul Vivek Shukla, Advocates for the
Petitioners.*

*Mr. Sachinkumar Rajepandhare, Advocate for the Respondents No.1 to 4.
Ms. V. R. Raje, AGP for the Respondent No.11/State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 31 January, 2025.

P.C. :

1. Heard the learned counsel appearing for the parties.
2. The only grievance with which the present petition is filed is non grant of opportunity to the Petitioners to cross-examine the witnesses examined by the Applicants before the Registrar. The proceedings are filed by Respondents No.1 to 7 for cancellation of sale deed executed in favour of Respondents No.8A to 8E. Petitioners are subsequent purchasers from Respondents No.8A to 8E. There is no dispute to the position that the Advocate for the Respondents No.8A to 8E (Vendors) have already cross-examined the witnesses produced by Respondents No.1 to 7. Though

Petitioners had engaged Advocate to defend themselves in the proceedings, their Advocate was apparently unwell and did not participate in the cross-examination of the witnesses examined by Respondents No.1 to 7. It is submitted that ultimately the Petitioners would suffer in the event of an adverse order being passed by the Registrar in the proceedings and therefore, grant of opportunity of cross-examination to the Petitioners is vital.

3. The learned counsel appearing for Respondents No.1 to 7 would fairly submit that the witnesses are still available for being subjected to cross-examination by the Petitioners. He would however accuse Petitioners of deliberately delaying the proceedings. This objection can be taken care of by imposing costs on the Petitioners for their negligent act of not conducting the cross-examination of the witnesses when their depositions were recorded.

4. I accordingly proceed to pass the following order :-

- i. The Registrar shall grant an opportunity of cross-examination to the Petitioners in respect of witnesses examined by Respondents No.1 to 7 (Applicants before the Registrar).
- ii. Respondents No.1 to 7 (Applicants before the Registrar) shall accordingly present their witnesses for conduct of their cross-examination by the Petitioners.

- iii. The process of conduct of cross-examination shall be conducted on or before 28th February, 2025.
 - iv. Petitioners shall pay costs of Rs.25,000/- to Respondents No.1 to 7.
 - v. Payment of costs as directed above shall be condition precedent for conduct of cross-examination by the Petitioners.
5. With the above directions, the Writ Petition is partly allowed and disposed of.

(SANDEEP V. MARNE, J.)