

Arun Sankpal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14751 OF 2018

WITH

INTERIM APPLICATION NO. 3430 OF 2025

IN

WRIT PETITION NO. 14751 OF 2018

Veena Nagar Coop Housing Society Ltd

..Petitioner

Versus

Nirman Construction Pvt Ltd & Ors

...Respondents

WITH

WRIT PETITION NO. 2650 OF 2024

Veena Nagar Coop Housing Society Ltd

..Petitioner

Versus

State of Maharashtra Through Govt Pleader & Ors

...Respondents

Mr. Pradeep Thorat, with Nishita Bhuta, Ameet Mehta, Priti Rao & Avani Rathod, i/b M/s Solicis Lex, for the Petitioner in WP/2650/2025.

Ms. Tanu Bhatia, AGP, for Respondent No.1 in WP/2650/2024.

Mr. Devendra Tiwari, i/b Law Chamber of Siddharth Murarka for Respondent Nos. 3 in IA/3430/2025 and for Respondent Nos. 2 to 6 in WP/2650/2024.

Mr. Ashok Saraogi, Secretary of the Society, present.

Mr Sunil Kumar Gupta, authorized representative of Respondent No.3, present.

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RAMCHANDRA
SANKPAL

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Date: 2025.03.26
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CORAM: N. J. JAMADAR, J.

DATED : 25th MARCH 2025

P.C.:

WRIT PETITION NO. 2650 OF 2024:

1. Heard the learned Counsel for the parties.

2. The challenge in this Petition is to an order dated 15th February 2024 passed by the learned Judge, City Civil Court, allowing the question during the course of cross-examination, purportedly invoking the provisions contained in Section 146 of the Indian Evidence Act.

3. When this Court expressed its disinclination to interfere with the exercise of discretion by learned Judge in allowing the question to impeach the credit of the witness, the learned Counsel for the petitioner, on instructions, submitted that the petitioner does not press the Petition. But the cross-examination of the witness be expeditiously concluded, as agreed earlier.

4. It was submitted that a statement was made before this Court that the cross-examination of the witness, who is in the box, would be completed within three sessions. The witness has already been cross-examined for two sessions and when witness was under cross-examination during the third session, the question of admissibility of the question was raised and, therefore, the cross-examination came be deferred.

5. In these circumstances and having regard to the dispute between the parties, it is expedient that the cross-examination of the witness is completed expeditiously. The Court is informed that the Suit is listed before the Trial Court on Thursday, 27th March 2025.

6. The learned Counsel for the respondent submitted that Mr. Murarka, the learned Counsel who is cross-examining the witness, is unwell. In these circumstances, let the Suit before the Trial Court be adjourned to 3rd April 2025 and, on that day, the cross-examination of the witness be completed.

7. Subject to the abovesaid directions, the Petition stands disposed.

[N. J. JAMADAR, J.]