



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3899 OF 2026

NANCHAND UTTAMCHAND TONGARE AND ANR
VERSUS
MAHANANDABAI PRADNYA JAWAHARLAL SHAH AND ORS

...
Mr. Suhas R. Shirsat, Advocate for the Petitioners.
Mr. Shoyab Shaikh, Advocate for Respondent Nos.1 to 5.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 15th APRIL, 2026.

P.C.:-

1. Heard Mr. Shirsat, learned Advocate appearing for petitioners.
2. The petitioners raises challenge to orders dated 07.03.2026 passed below Exhibit-77 in Special Civil Suit No.01/2023, whereby petitioners right to cross-examine has been forfeited and their application below Exhibits-76 and 77 are also rejected.
3. Mr. Shaikh, learned Advocate appears on behalf of respondent nos.1 to 5 and submits that respondents have no objection, if petitioners are permitted to cross-examine by setting aside impugned order.
4. Looking to controversy involved in suit and nature of litigation between parties and no objection given by respondents, there is no impediment in allowing Writ Petition.

5. In result, Writ Petition is allowed in terms of prayer Clauses (B), (C) and (D).

6. Needless to state here that, petitioners shall not seek further adjournment for cross-examination and proceed to cross-examine witnesses on dates fixed by Trial Court.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2026