

Plaintiff, defendants counsel present. DW.7 present.

Learned counsel for defendant No.1, 3, 5 to 7 submits that he has right to cross examine DW.7 first, as defendant No.8 and 9 have adopted the written statement filed by defendant No.1 and defendant No.8 examined as DW.1.

Learned counsel for the plaintiff objected stating that defendant No.8, 9 and defendants No.1, 3, 5 to 7 are sailing together and that it is plaintiff who has to cross examine the witness first.

From perusal of the material on record, it can be seen that suit is one for partition. Defendant No.1 has filed the written statement and said written statement is adopted by DW.7 and his brother by a memo dated: 28.05.2024. Therefore, the defense of DW.7 and defendant No.1 is one and the same.

No independent written statement is filed by DW.7. There is no conflict of

interest amongst DW.7 and defendant No.1, 3 and 5 to 7. Therefore, even there is no necessity of giving an opportunity to the counsel for defendant No.1, 3 , 5 to 7 to cross examine DW.7.

Therefore, the request of learned counsel for defendant No.1, 3, 5 to 7 that he has to cross examine DW.7 first cannot be accepted .

Hence, for cross of DW.7 by plaintiff call on : 29.06.2024.

(Smt. Padmashri A.Munnoli)
Senior Civil Judge and
J.M.F.C., Harihara.