

ORIGINAL JURISDICTION (a)

Original Suit No. 131 of 1863.

NARASIMMA against KISTNAMA and others.

One co-defendant whose interest are separately represented, may cross-examine another.

1863.  
December 10.  
O. S. No. 131  
of 1863.

THIS was a suit for division of family property. At the conclusion of the direct examination of the second defendant, whose evidence was strongly in favour of the plaintiff, *Stokes*, for the first defendant, proposed to cross-examine.

*The Advocate General (Smyth)* objected, and referred to the old Equity practice in England, according to which the answer of one defendant was not evidence against another, and could not therefore be cross-examined upon by the latter.

SCOTLAND, C. J.—We are many years in advance of that. The second defendant is a witness under examination, and has given evidence opposed to the interests of the first defendant. One co-defendant whose interests are separately represented may certainly cross-examine another with a view of discrediting evidence which the latter may have given in the plaintiff's favour.

BITTLESTON, J. concurred.

The second defendant was then cross-examined.

*The Advocate General* and *Norton* for the plaintiff.  
*Stokes* and *Arthur Branson*, for the first defendant,  
*Mayne*, for the second defendant.

(a) Present : Scotland, C. J. and Bittleston, J.

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