

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

**WRIT PETITION NO. 2651 OF 2015**

Pandit Genuba Kshirsagar ...PETITIONER

versus

Rambhau Abaji Maske and ano. ...RESPONDENTS

.....  
Mr. R.S. Deshmukh, Advocate for Petitioner  
Mr. B.A. Dengale, Advocate for respondent No. 1  
.....

**CORAM : SUNIL P. DESHMUKH, J.**

**DATED : 13<sup>th</sup> APRIL, 2015**

**Order :-**

1. Heard learned counsel for petitioner and respondent No. 1.
2. Learned counsel for petitioner contends that, as a matter of fact, under order dated 08-01-2015 application Exhibit-211 had been granted, however, subsequent application Exhibit-219 moved requesting to issue witness summons to the then Tahsildar, has been rejected, and therefore, the petitioner is before this court.
3. Learned counsel for respondent No. 1 supports the impugned order pointing out that the dispute is in respect of order passed by Tahsildar pursuant to Section 143 of the

Maharashtra Land Revenue Code, and as such, he could not have been called as witness since there is express embargo under section 121 of the Evidence Act.

4. Perusal of the impugned order shows that learned Judge has given reasons for rejection of the application in paragraph No. 7, which can be hardly said to be interfered with in discretionary powers since those can be said to be legal and not correct. Writ petition as such, stands rejected.

5. At this stage, learned counsel for petitioner requests that at least petitioner be allowed to call requisite records from the concerned Office. Under the scope of writ jurisdiction this court would not issue any such direction, however, it would be open for the petitioner to make proper application and authority concerned to decide said application on its own merits.

Sd/-  
( **SUNIL P. DESHMUKH, J.**  )

MTK