

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

WRIT PETITION NO.4865/2015

Urmilabai Gulabrao Patil and ors
V/s
Smt.Alkabai Subhash Patil and ors
...
Mr.G.V.Wani,Adv.for petrs.
...

**CORAM : N.W.SAMBRE,J.
DATED : 27TH NOVEMBER,2015**

ORDER :-

The order impugned passed below Exh.158 refusing prayer of the petitioner-defendant to summon the witnesses mentioned in the application is questioned herein. The learned counsel submits that the order impugned does not deal with the merits of the application as according to him, defendant no.5 even otherwise is entitled for submitting evidence before the Court.

2] In my opinion, only modification that can be granted in favour of the petitioner is, he will be at liberty to examine the defendant no.5 in the matter. Rest of the part of the order impugned is maintained. Petition stands partly allowed in above terms.

(N.W.SAMBRE,J.)

umg/