

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

WRIT PETITION NO. 6044 OF 2013

Govind S/o Popat Bhosale,
Age: 36 years, Occu. : Medical Practitioner,
R/o. : Annapurna Nagar, Station Road,
Kopergaon, Tq. Kopergaon,
Dist. Ahmednagar.

...Petitioner

versus

1. Laxmishri Investment,
312, Sidharth Towers,
Sangam Press Road, Kothrud,
Pune – 411029
The Partner of Laxmishri Investment.
2. Govind S/o Jagannath More,
Age: Major, Occu. : Medical Practitioner,
R/o : 303, Sidharth Towers,
Sangam Press Road, Kothrud,
Pune – 411029.
3. Mrs. Priya W/o Arvind Sakorkar,
Age: Major, Occu. : Business,
R/o : 312, Sidharth Towers,
Sangam Press Road, Kothrud,
Pune – 411029.
4. Mrs. Madhuri W/o Govind More,
Age: Major, Occu. : Medical Practitioner,
R/o : 302, Sidharth Towers,
Sangam Press Road, Kothrud,
Pune – 411029.

...Respondents

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Mr. Amol S. Gandhi, Advocate for petitioner.
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CORAM : N.W. SAMBRE, J.

DATE : 25TH FEBRUARY, 2015

ORAL ORDER :

. The respondents though served, none appears. There is notice for final disposal as is reflected in the order dated 07/08/2013.

2. The order dated 15/07/2013 passed by the Civil Judge, Senior Division, Kopergaon below Exhibit-34 application for exhibiting promissory note in Regular Civil Suit No. 168 of 2012, is questioned in the present petition.

3. Learned trial Court, having regard to the provisions of Section 118 (a) of the Negotiable Instruments Act and presumption thereof, has rejected the prayer for exhibiting the said document.

4. Mr. Gandhi, learned Counsel for the petitioner submits that the issue raised in the present petition is identical to the issue raised in Writ Petition No. 6398 of 2013.

5. In view of above and the statement made by learned Counsel for the petitioner is not controverted by the defendants, for the reasons stated in the order dated 25/07/2014 passed in Writ Petition No. 6398 of 2013, the order impugned dated 15/07/2013 passed below Exhibit-34 in Regular Civil Suit No. 168 of 2012 is hereby quashed and set aside. The trial Court to decide the

application afresh, having regard to the observations made in the order dated 25/07/2014 in Writ Petition No. 6398 of 2013.

6. The writ petition stands disposed of on above terms.

[N.W. SAMBRE, J.]