

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

WRIT PETITION NO. 9733 OF 2015

Bibhishan Ramkrishna Gawad

...PETITIONER

versus

Ramkrishna Genba Gawad and others

...RESPONDENTS

.....
Mr. V.D. Salunke, Advocate holding for
Mr. Shoyab Shaikh, Advocate for Petitioner
Mr. Sanket S. Kulkarni, Advocate for respondent No. 1
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 14th OCTOBER, 2015

Order :-

1. This writ petition has been moved by petitioner-original plaintiff against order dated 22nd June, 2015 on Exhibit-118 in Regular Civil Suit No. 189 of 2008 passed by 3rd Joint Civil Judge, Senior Division, Osmanabad, whereunder application for sending his blood sample and that of defendant No. 1 to B.J. Medical College for DNA test, has been rejected referring to that unless order dated 10th April, 2015 has been properly complied with, application Exhibit-118 would not be proper and as such as been rejected.

2. Learned counsel for respondents refers to order dated 10th April, 2015 and submits that suit was directed to be proceeded further and that there is observation by the court that without affecting remedy to take proper recourse, the petitioner could approach accordingly.

3. Having regard to the observation, it is open for the petitioner to take up appropriate proceedings/applications.

4. For said purpose petitioner seeks four weeks time. Accordingly, four weeks time is granted. Till such time, hearing of the Regular Civil Suit No. 189 of 2008 pending on the file of Civil Judge, Senior Division, Osmanabad may not proceed.

5. As such, writ petition stands disposed of.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK