

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.12122 OF 2015

Shri. Prakash Ramu @ Ramchandra Kore

and another

.. Petitioners

Versus

Smt. Suman @ Hirabai Shankar Chougale

@ Chougale and another

.. Respondents

Mr. Mithun Mahajan, for the Petitioners.

CORAM : R.M. SAVANT, J.

DATE : 14th OCTOBER, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 17.02.2015 passed by the Learned 11th Joint Civil Judge Junior Division, Kolhapur, by which order the application Exh.61 for being permitted to re-examine the witnesses came to be rejected. The rejection is on the ground that in spite of opportunity granted, the Petitioners i.e. the original Defendant Nos.1 and 2 have not produced the original of the Will Deed. The instant application has been filed on the ground that the Defendant Nos.1 and 2 are now in possession of the original Will Deed. The said application was filed at the stage when the suit was set down for final arguments. It seems that on 20.09.2014 they had moved an

application Exh.53 on the ground that they are not in possession of the original Will Deed and therefore, they may be permitted to produce the copy of the said Will Deed and therefore witness summons be issued to the Sub-Registrar, Shirol to produce the original. The said application came to be rejected.

2. Thereafter the Defendant Nos.1 and 2 have filed the instant application on the ground that they are now in possession of the original Will Deed. The Trial Court has rejected the said application having regard to the stage at which the suit was when the application was filed and also on the ground that in spite of opportunities the Will Deed was not produced. In my view, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]