

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7499 OF 2015**

Tukaram Dhuraji Jagtap

..Petitioner

Vs.

Varsharani Devendra Ballal & Ors.

..Respondents

Mr. S. V. Samalwar for the Petitioner

CORAM : R. M. SAVANT, J.

DATE : 29th SEPTEMBER, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 25-3-2015 passed by the Learned 19th Civil Judge Junior Division, Pune, by which order, the application Exhibit 98 filed by the Petitioner to examine a witness and to produce the document came to be rejected.

2 The said application was filed in Regular Darkhast No.202 of 2009 which has been filed by the decree holder for execution of the decree passed in Regular Civil Suit No.871 of 2006. The Petitioner is an objector to the execution who has filed his objection vide Exhibits 28, 30 and 32 and in view of the objection raised issues were framed on 21-3-2014. In support of the objection, the Petitioner has examined himself and three other witnesses and thereafter has filed the instant application for examining one more witness. The Executing Court has rejected the application on the ground that the

attempt of the Petitioner seems to be some how delay the execution proceedings. The Executing Court observed that though the objector has filed application Exhibit 92, the name of the present witness, which the objector was seeking to examine was not mentioned. By the instant application, the objector seeks to examine the witness of the bank. Whilst opposing the said application, the decree holder has contended that the evidence which the objector seeks to bring on record through the witness of the bank has already been adduced in the original Suit.

3 In my view, having regard to the facts as aforestated which are the foundation for the order passed by the Trial Court for rejecting the application Exhibit 98, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]

CERTIFICATE

Certified to be true and correct copy of the original signed order