

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

WRIT PETITION NO.11688 OF 2014

Rajesh Udan Yadav : Petitioner.
Versus
Ambika Manikraj Yadav and ors. : Respondents.

Mr. U V Singh for the Petitioner.
Mr. Sandesh D Patil for the Respondents.

CORAM : R. M. SAVANT, J.
DATE : 02nd February 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 19/09/2014 passed by the learned 4th Joint Civil Judge, Junior Division, Thane by which order the Application (Exhibit 62) for issuing witness summons to the Notary Public Mr. Pravin V Mehta came to be allowed and thereby the Trial Court permitted the Plaintiffs to examine the said witness.

2 The Application (Exhibit 62) was founded on the fact that the Plaintiffs were under an impression that the Defendants would lead the evidence of the Defendant No.1 as it is the case of the Plaintiffs that the Defendant No.1 has executed a Release Deed in favour of the mother of the Plaintiffs who is the sister of the Defendant No.1. However, the Defendants have only led the evidence of the Defendant No.2, and have closed their evidence. The Plaintiffs therefore felt the need of examining the Notary Public

who has notarized the said document i.e. the Release Deed to prove the said Release Deed.

3 The Trial Court having regard to the aforesaid facts has allowed the said Application (Exhibit 62) as the Trial Court was of the view that to adjudicate the matter on merits, it is necessary to allow the Plaintiffs to lead the evidence of the said witness in respect of the said Release Deed. Though the Trial Court has allowed the said Application, the Trial Court deemed it appropriate to impose costs on the Plaintiffs.

4 In my view, having regard to the reasons mentioned in the impugned order, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]