

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6270/2014

M/s Shraddha Associates, through its Proprietor
..Versus..
Central Bank of India

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 27.3.2015

In view of the objection as raised on behalf of the petitioner/defendant Shri N.W. Almelkar, the learned advocate for the respondent seeks permission to withdraw the evidence on affidavit of Shri Dinkar s/o Ganpatrao Taklikar (plaintiff's witness no.2) with liberty to file appropriate application according to the provisions of Order 16 Rule 1(3) of the Civil Procedure Code. Though Shri Y.V. Nayyar, the learned advocate for the petitioner objects, the permission as sought for on behalf of the respondent/plaintiff is granted with liberty as prayed for as the provisions of Order 16 Rule 1(3) of the Civil Procedure Code enables the Court to grant permission to the party to examine the witness though his name is not in the witness list, if sufficient cause is

shown.

The petition is disposed of in the above terms.

In view of the above, the impugned order does not survive as the evidence on affidavit of Shri Dinkar s/o Ganpatrao Taklikar (plaintiff's witness no.2) which was objected to by the petitioner/defendant itself is withdrawn.

JUDGE

Tambaskar.