

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

WRIT PETITION NO.6888 OF 2014

Vimal W/o Chandrashekhar Aparajit & Ors.

-vs-

Jorass Co-operative Housing Society Ltd. Nagpur, Thr. its Secretary & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. P. Bhandarkar, Advocate for petitioners.
Shri P. A. Abhyankar, Advocate for respondent No.1.

CORAM : A.S.CHANDURKAR, J.
DATE : JULY 23, 2015

The petitioner is aggrieved by the order passed below Exhibit-72 by which the application for issuing witness summons to two witnesses has been rejected.

The proceedings have been initiated by the respondent No.1 for setting aside an ex-parte decree dated 24/01/2008. In proceedings, the document at Exhibit-70 was placed on record which was a response given by the office of the Dy. Registrar Co-operative Society, Nagpur as regards the status of registration of the respondent No.1-Society. In that regard the present petitioners moved an application to issue witness summons to said authority and another witness Shri S. Yadav. It is stated that it was necessary to examine said witnesses. The application was opposed by the respondent No.1 on the ground that such examination was not at all called for. The trial Court by the impugned order rejected said application.

On behalf of the petitioners, it is submitted by their counsel that examination of said witness was necessary to bring on record relevant material and the trial Court ought to have allowed the application.

On the contrary, it is submitted by the counsel for respondent No.1 that the object was merely to prolong the proceedings and the purpose for which said witnesses were sought to be examined were not mentioned.

After hearing the respective counsel, I am not inclined to interfere with the exercise of discretion by the trial Court. The application below Exhibit-72 does not disclose any reasons whatsoever for examining the witnesses mentioned therein. The trial Court has further found that the document at Exhibit-70 contains sufficient details and therefore it was not found necessary to issue the witness summons to the Dy. Registrar.

Considering the reasons as assigned by the trial Court in paragraph 6 of the impugned order, there is no case made out to interfere in writ jurisdiction.

Writ petition is accordingly dismissed. No order as to costs.

JUDGE