

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 5649 OF 2016.

Govindprasad s/o Badrinarayan Toshniwal .. Petitioner
vs
Gangaprasad s/o Badrinarayan Toshniwal & ors. .. Respondents

Mr. Nitin S. Kadam, Advocate for petitioner

CORAM : SUNIL P. DESHMUKH, J.
DATE : 22nd June, 2016

ORDER :

1. Learned counsel for petitioner, on instructions, states that efforts for procuring original of the document in respect of which secondary evidence is sought to be led under Exhibit-42 would be made, including possibility of placing on record an affidavit by legal heirs of deceased Biharilalji Kabra.
2. If that be so, in stead of passing any order in respect of impugned order, situation can be met with by allowing the petitioner to make requisite efforts as expected by trial court and thereupon, petitioner would be at liberty to make application afresh without getting impeded by the impugned order, keeping the contentions open.
3. Writ petition accordingly, with aforesaid, stands disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd