

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

WRIT PETITION NO. 11009 OF 2015

Shaikh Ayub alias Popat s/o Shaikh Yasin

.. PETITIONER

VERSUS

Shaikh Hiraji s/o Shaikh Ahmed
& others

.. RESPONDENTS

Mr. Afjal Husain M. Vakil, advocate holding for Mr. Shaikh Sameer Ahmed Saifuddin, advocate for petitioner.

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CORAM : R.M. BORDE, J.

DATE : 19th JANUARY, 2016.

PER COURT :

1. Application tendered by petitioner / original plaintiff for calling documents namely sale-deed, day book register and sale-deed entry register from the office of the Registrar has been rejected by the trial Court.

2. Petitioner has been permitted to lead secondary evidence in respect of the sale-deed. In such circumstances, there is no need to call documents as requested by petitioner. Apart from this, it has not been stated in the application as to what is the purpose in calling the documents. Interlocutory order passed by the trial Court does not appear to be erroneous. Even otherwise, since the challenge raised in the instant petition is in respect of an interlocutory order, no interference in exercise of extra ordinary jurisdiction under Article 227 of the Constitution of India is called for. Writ petition stands rejected keeping the option to raise challenge

to the interlocutory proceeding at an appropriate stage as permissible in law, open for the petitioner.

(R. M. BORDE)
JUDGE

dyb