

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.6922 OF 2015**Janardan S/o Vithal Pujari Vs. Sunita Godhaji Pujari and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.D.G.Nagode, advocate for the petitioner.
 Mr.R.R.Karpe, advocate for Respondent No.1.
 Mr.P.S.Patil, A.G.P for the State.

CORAM : S.V.GANGAPURWALA, J.
Date : 21.03.2016.

PER COURT :

1. Heard.
2. The application for issuance of witness summons U/o 16 Rule 12 and Section 13 of the C.P.C is rejected.
3. Mr.Nagode, learned counsel for the petitioner states that the witness summons were issued to Savita D/o Dattatraya Gadekar, who is wife of Godaji Pujari. Initially the Court allowed the application, however, the summons were returned unserved on the ground that she is not the wife of Godaji Pujari. Subsequently, again application is filed for issuing witness summons to the said person in the same name. The said application is rejected.

According to the learned counsel in another separate proceedings the Bailiff has given a report when summons were issued to same Savita W/o Godaji Pujari. In the said bailiff report, it is specifically stated that she was earlier concerned with Godaji Pujari. The said witness is avoiding to appear before the Court. The whole dispute revolves about the status of the plaintiff qua Godaji Pujari.

4. Mr.Karpe, learned counsel supports the order.

5. The witness summons were already issued to the said witnesses, wherein the report has come that she is not wife of Godaji Pujari. The Court has observed that defendant was present when service was being made and tried to influence the bailiff. The bailiff report states that the addressee concerned in the said summons as stated that she is not at all concerned with the said Godaji Pujari.

6. The defendant can produce the said witness in person. There was no prohibition for the same.

7. As far as bailiff report in some other matter is concerned, the same is not on record in the present suit. If the petitioner takes steps to bring on record the said document then the defendants will have every right to controvert the same.

8. Considering the above, the impugned order requires no

interference. The Writ Petition is disposed of. No costs.

(S . V . GANGAPURWALA, J .)

Dt.21.03.2016.
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