

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

WRIT PETITION NO. 5841 OF 2016

Anand s/o Sheshrao Bharose

... Petitioner

Versus

Dr. Vedprakash s/o Kashirao Patil and others ... Respondents

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Mr. R. N. Dhorde, Senior Advocate i/by Mr. V. S. Kadam,
Advocate for petitioner

Mr. N. B. Khandare, Advocate h/f Mr. R. D. Khadap, Advocate
for respondent No.1

Mr. S. K. Tambe, Assistant Govt. Pleader for respondent No.3

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 23rd JUNE, 2016

ORDER :

1. Heard learned senior advocate Mr. Dhorde for quite some time.

2. Although learned senior advocate earnestly urges for the indulgence granting petitioner's application to adduce secondary evidence, having regard to the application and the circumstances which have been considered under the impugned order, at this stage the same would not be amenable for interference in the backdrop of facts, circumstances and law.

3. The observations as have been occurring in the impugned order are at interlocutory stage would have efficacy accordingly.

4. As such, I am not inclined to interfere with the impugned order.

5. The writ petition is thus, rejected, leaving it open for the petitioner to question propriety, legality and validity of order keeping in view of section 105 of the Code of Civil Procedure.

6. It is made clear that this does not preclude the petitioner adducing other evidence. The efficacy of these observations is confined to the order in this writ petition and no further.

(SUNIL P. DESHMUKH, J.)

sms