

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 5059 OF 2016

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. Piyush Raje for the Petitioner.

Mr. S.D. Shinde for the Respondent.

CORAM : K. K. TATED, J.

DATED : 09/06/2016

PC.:

. Not on board. At the request of Advocate for the petitioner, matter is taken on board for urgent orders.

2 By this petition under Article 227 of the Constitution of India, the petitioner original defendant challenges the order dated 21.04.2016 passed by 10th Joint Civil Judge, Junior Division, Nashik below Exh. 82 in Regular Civil Suit No. 1468 of 2000 rejecting the defendant's application for issuing witness summons to the Divisional Officer, House Tax Department, N.M.C. in respect of evidence regarding owner of plot No.4 out of Survey No. 807 four shops situated on ground floor and having house No. 323/233/B and witness summons to the State Examiner of Documents, C.I.D.M.S., Pune in respect of document Exh.66 in Regular Civil

Suit No. 150 of 2012.

3 The Trial Court at the time of rejecting the defendant's application observed that the petitioner can file certified copy of documents on record instead of calling Divisional Officer, House Tax Department, N.M.C. as a witness. The Trial Court permitted the defendant to put on record certified copy of those documents. The Court further observed that calling the State Examiner of Document, C.I.D.M.S., Pune, is not essential, because that department has filed their report in another matter i.e. Regular Civil Suit No. 150 of 2012 and not in present case.

4 Apart from that the learned Counsel appearing on behalf of plaintiff submits that evidence of both the parties is already closed and matter is kept for final argument.

5 Considering this fact, I do not find any reason to entertain the present Writ Petition under Article 227 of the Constitution of India.

6 Hence, Writ Petition stands rejected.

(K.K.TATED, J.)