

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

WRIT PETITION NO. 8019 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. P. R. Kadam for the Petitioner.

Mr. R.A. Thorat, Senior Counsel i/b P.D. Shelke for the Respondent.

CORAM : K. K. TATED, J.

DATED : 02/08/2016

PC.:

. Heard.

2 By this petition under Article 227 of Constitution of India, the Petitioner Defendant No.1 is challenging the order dated 07.04.2016 below Exh. 75 and order dated 11.02.2016 in Notice of Motion No. 327 of 2016 in L. C. Suit No. 2763 of 2008 passed by Bombay City Civil Court at Bombay.

3 After arguing for sometime, the learned Counsel for the petitioner submits that the petitioner may be permitted to restrict their application for examination of witness i.e. Assistant Engineer, Building Proposal (ES), Municipal Corporation of Greater Mumbai only. He makes the statement that the petitioner Defendant No.1 does not want to examine any other witness. To that effect, he has

given in writing by way of praecipe. The same is taken on record and marked "X" for its identification.

4 Considering the submissions made by the learned Counsel for the petitioner and perusing the impugned orders passed by the Trial Court, I have no objection to allow the defendant no.1 to examine Assistant Engineer from the office of Corporation.

5 Hence, the following order is passed:

a) Writ Petition is partly allowed to the extent that Defendant No.1 can examine Assistant Engineer, Building Proposal (ES), Municipal Corporation of Greater Mumbai in L.C. Suit No. 2763 of 2008.

b) Impugned order dated 07.04.2016 passed by Bombay City Civil Court at Bombay below Exh. 75 in L.C.Suit No. 2763 of 2008 is set aside.

c) Application filed by the petitioner dated 07.04.2016 below Exh. 75 for issuing of summons to the Assistant Engineer is allowed.

d) Applicant to move before the Trial Court for issuing witness summons as per application below Exh. 75.

e) Writ Petition stands disposed of accordingly.

(K.K.TATED, J.)