

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**WRIT PETITION NO.411 OF 2016**

(Ashok s/o Baban Kurhade and another ..vs.. Sumanbai w/o Rambhau Gaikwad)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

**CORAM : Z.A. HAQ, J.**

**DATED : 10-06-2016**

Heard Shri D.I. Jain, Advocate for the petitioners/  
original defendants.

2. The petitioners have challenged the order passed by the trial Court rejecting the application (Exhibit No.94) praying for calling the original record of revenue proceedings from the Tahsildar, Malkapur. The petitioners/defendants have not explained as to why the record is to be called. The learned Advocate for the petitioners/defendants have submitted that there are original documents on the record of the revenue case which are necessary for consideration for deciding the claim of the respondent/plaintiff in the civil suit. However, there are no such pleadings either in the application (Exhibit No.94) or in the petition filed before this Court. The submission made on behalf of the petitioners at the time of hearing cannot be accepted.

Apart from this, I find that there are no bonafides on the part of the petitioners in prosecuting this petition.

The impugned order is dated 19-11-2015, the petition is filed on 21-12-2015 and when the matter was listed on 13-04-2016, it was adjourned to 21-04-2016 on which date again the matter was adjourned. The learned Advocate for the petitioners states that the matter is fixed for cross-examination of the plaintiff before the trial Court today. The conduct of the petitioners/defendants has to be deprecated. The petition is dismissed. No costs.

**JUDGE**

*adgokar*