

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

WRIT PETITION NO. 3440 OF 2017

Laxman Dhanaji Ushire

..PETITIONER

VERSUS

Aashabai Sanjay More and Others

..RESPONDENTS

....
Mr. V.B. Anjanwatikar, Advocate for petitioner.
....

**CORAM : S.B. SHUKRE, J.
DATED : 15th MARCH, 2017**

ORDER :

1. Heard learned Counsel for the petitioner. Perused the impugned order. The reason stated in the impugned order that the petitioner's application does not comply with the requirement of Order 16 Rule (1), does not appear to be against the well settled principles of law. But, one has to keep it in mind that the whole system of administration of justice exists for doing substantive justice between the parties and therefore, if the demand of justice requires that some liberty should be given to the party for complying with the procedural requirement, same should be afforded to the party.

2. In this view of the matter, I am not inclined to make any

interference with the impugned order. But, I find that necessary liberty, at the same time, is also required to be given to the petitioner.

3. Accordingly, this writ petition is dismissed summarily. However, liberty is granted to the petitioner to file a fresh application, satisfying the requirement of Order 16 of the Code of Civil Procedure, making a prayer for summoning the Gram Sevak as a witness, is granted and if such an application is filed, same shall be considered by the Trial Court in accordance with law.

(S.B. SHUKRE, J.)

SSD