

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

WRIT PETITION NO. 5561 OF 2017

Pralhadrao Narayanrao Naik

..PETITIONER

VERSUS

Kamalbai Panjabrao Naik

..RESPONDENT

....

Mr. D.M. Shinde, Advocate for petitioner.

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**CORAM : M.S. SANKLECHA, J.
DATED : 02nd MAY, 2017**

ORDER :

1. This petition challenges the order dated 14th February, 2017 passed by the Second Joint Civil Judge, Junior Division, Hingoli. The impugned order rejects the petitioner's application to summon the erstwhile Talathi who was present at the time when the panchanama was taken on 30th November, 2009 of the suit property, to establish his possession..

2. The impugned order rejected the application filed by the petitioner by placing reliance upon the decision of this Court in *Pralhadrao Narayan Naik Vs. Kamalbai Panjabrao Naik in Writ Petition No. 9597 of 2016 decided on 23rd September, 2016* (between the same parties) wherein this Court has observed with regard to the application by the

petitioner to have Nayab Tahsildar produced as witness in the present suit itself for relief of possession under Section 6 of the Specific Relief Act it was observed that “.... *petitioner wants to prove that from prior to the relevant date he was in possession. That can be proved by using other circumstances but not the way which the petitioner wants to use.*”

3. Further, the Trial Court has also observed that no purpose would be served by summoning the Talathi as witness because the matter has already been remanded to the Revenue Court for reexamination and the panchanama carried out on 30th November, 2009 would be a part of such enquiry. In the aforesaid circumstances the impugned order rejected the application.

4. The view taken in the impugned order is a reasonable view. Accordingly, no interference is called under Article 227 of the Constitution of India.

5. Petition is dismissed. No order as to costs.

(M.S. SANKLECHA, J.)

SSD