

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

CIVIL WRIT PETITION (STAMP) NO.3273 OF 2017

Sheikh Abdul Rauf

... Petitioner

vs.

Mrs. Anita Domnic D'Souza & Ors.

... Respondents

Mr. Jaydeep Deo for the Petitioner.

None for the Respondents.

CORAM : N.M. Jamdar, J.

DATED : 16 February, 2017

ORAL ORDER

Not on board. Taken on production board by way of praecipe.

2 By the impugned order passed by the learned Civil Judge, the application of the Petitioner Defendant in a Suit for eviction filed by the Respondent-landlord, for examination of the Officers from the employers of the sons of the Respondent-landlord and to issue witness summons to them, has been rejected.

3 I have gone through the Complaint as well as Written Statement and the application filed by the Petitioner Defendant in the Suit. I do not find any reason to interfere with the impugned order under Article 227

of the Constitution of India. By seeking witness summons to various companies to show the financial position of the sons of Respondent will delay the trial substantially. Petitioner has already pleaded that the financial condition of the Respondent is sound. The learned Civil Judge in that circumstances has not found appropriate to issue any summons. It is however clarified that if during the course of the trial, the learned Judge is of the opinion that for the proper adjudication of the dispute, the evidence of the employers in respect of the sons of the Respondent landlord is necessary, the impugned order will not prevent the learned Judge from issuing summons to such witnesses. By leaving this discretion open to the learned Civil Judge to be exercised, if situation so warrants, the Writ Petition is disposed off.

(N.M. Jamdar, J.)