

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

920 WRIT PETITION NO.4225 OF 2018

Ganpat S/o Natthu Patil ... Petitioner.

Versus

Jabirkhan Hazi Shabbir Khan
and others ... Respondents.

....

Mr. Prakash V. Balkhande, Advocate for the Petitioner.

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CORAM : V.L. ACHLIYA, J.

DATED : 25th APRIL, 2018

PER COURT:-

1. By this petition, filed under Article 227 of the Constitution of India, the petitioner has challenged the order dated 14.03.2018 passed in R.C.S. No.83/1996 by Civil Judge, Junior Division, Raver, Dist. Jalgaon. By the impugned order, the trial Court has set aside the order to proceed without cross-examination by defendant nos.15 to 18 subject to payment of cost of Rs.5,000/- to plaintiff. Being aggrieved, the petitioner has preferred this petition.

2. Heard the learned counsel for the petitioner and perused the impugned order. In my view, the order passed by the trial Court cannot be termed as perverse or without jurisdiction. It is well within the powers of the Court to entertain such application. It is a clear case of exercise of judicial discretion by the Court. In absence of any perversity or error in exercise of jurisdiction, the order impugned calls for no interference in exercise of writ

jurisdiction under Article 227 of Constitution of India. In this view, I am not inclined to entertain the petition. The petition is dismissed.

3. In view of the fact that the suit is of the year 1996, the trial Court is directed to expedited the hearing of the case and decide the same as expeditiously as possible, preferably within a period of three months from the date of communication of this order.

(V.L. ACHLIYA)
JUDGE

SPR