

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9437 OF 2017

Abdul Wajid s/o Abdul Ahad ...Petitioner

Versus

Avinash Mira Kale ...Respondent

...

Mr. Shaikh M. Naseer, Advocate for petitioner

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[CORAM: SUNIL P. DESHMUKH, J.]
Date: 11th September, 2018

ORDER :

1. Heard learned counsel for the petitioner-objection applicant in application Exhibit-37.

2. Exhibit-37 is an application seeking recall of order dated 27th April, 2016 rejecting application Exhibit-34 by petitioner for witness summons to Deputy Regional Transport Officer, Beed for producing before the court concerned files from said office in respect of learning

driving licence of the applicant (present respondent) in miscellaneous civil application no. 389 of 2014. Miscellaneous civil application no. 389 of 2014 had been filed by present respondent seeking heirship certificate.

3. Exhibit-34 had been rejected by 3rd Joint civil judge, senior division, Beed on 27th April, 2016. Under impugned order application Exhibit-37 has been rejected on 8th February, 2017.

4. The court considered that enquiry is limited only to consider whether present respondent - the applicant in miscellaneous civil application no. 389 of 2014 is heir of deceased Mirabai.

5. The court has also observed that it is open for applicant in application Exhibit-34 and application Exhibit-37 to verify from the concerned office as to on what basis learning driving licence has been issued in favour of present respondent. Issuance of driving licence and authenticity of learning driving licence cannot be tested in present proceedings. The court, as such,

under impugned order, declined to accede to the request under Exhibit-37.

6. After having heard learned counsel for petitioner, it appears that petitioner has already proceeded with under Right to Information Act.

7. In the circumstances, having regard to observations by the court and nature of the scope of inquiry, order impugned does not appear to be liable to be interfered with. Petitioner may adopt recourse to such alternate remedies as may be available in law.

8. Writ petition is being not entertained and is disposed of.

[SUNIL P. DESHMUKH, J.]

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