

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

WRIT PETITION NO. 12398 OF 2018

**SANJAY SHRIRANG MAGAR
VERSUS
SHRIRANG LIMBA MAGAR AND OTHERS**

...
Advocate for the Petitioner : Shri S. S. Deshmukh

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 02nd NOVEMBER, 2018.

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PER COURT :

1. The petitioner is aggrieved by the order dated 01/10/2018, by which, the Trial Court has partly allowed application Exhibit 269 and issued summons to the Project Director, Jeevan Rekha De-addiction Centre, Latur for recording his evidence.

2. Grievance is that the petitioner plaintiff has sought leave to examine four witnesses, who are various superintendents of different Children's Homes. The Trial Court has considered the earlier order of this Court dated 05/09/2018 delivered in Writ Petition No. 4979/2016, by which, this Court had permitted the re-examination of the plaintiff and all such documents

which are already filed in original form. The Photostat copies were not permitted to be utilized.

3. I find that this petitioner plaintiff was earlier before this Court with a request that the plaintiff be allowed to step into the witness box and prove certain documents pertaining to the De-addiction Centre to prove that his father was habituated to drinking and his illness was on account of such a habit.

4. The suit was filed in 1996 and was pending for 22 years. It was re-numbered as RCS No. 203/2000. Keeping these factors in focus, this Court passed the order of permitting the petitioner to be examined as a last chance and thereafter, he would close his evidence.

5. What the plaintiff has done before the Trial Court is that he has acted beyond the order of this Court and probably has attempted to misuse this Court's order by putting forth application Exhibit 269 seeking leave to examine four witnesses. The Trial Court has still allowed the plaintiff to examine the Project Director of the De-addiction Centre, Latur.

6. In view of the above, I do not find that the impugned order could be termed as being perverse or erroneous. This petition, being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-