

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

*WRIT PETITION NO. 13113 OF 2018*

Bapurao s/o Laxman Gawali

... Petitioner

Versus

The State of Maharashtra & others

... Respondents

Mr. A.A. Mundhe, Advocate for the Petitioner.

Mr. S.W. Munde, AGP for Respondents no. 1 to 7.

***Coram : N.M. Jamdar, J.***

***Date : 30 November 2018.***

**Oral Order :**

1. Petitioner has challenged the order passed by the learned District Judge rejecting the application filed by petitioner for calling of record.

2. The learned District Judge, who is hearing the miscellaneous appeal against an interlocutory order has found it fit not to call for record, as according to him, the Miscellaneous Appeal can be disposed of without the record. It is entirely within the discretion

of the learned District Judge to do so. If later the learned District Judge finds that for adjudication of the appeal, entire record of the trial Court is to be called for, it is always open to the learned District Judge to do so. But, since he has not found it fit at this stage, it does not mean that there is perversity to warrant interference under Article 227 of the Constitution of India.

3. Writ petition is accordingly disposed of.

***N.M. Jamdar, J.***