

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

WRIT PETITION NO. 12852 OF 2018

Raghuvirsingh Shivsingh Maher & another ... Petitioners

Versus

Prem Singh Sandusingh @ Pandusingh Maher
& others ... Respondents

Mr. S.B. Gothwal, Advocate for the Petitioners.
Mr. V.I. Thole, Advocate for Respondent no.4.

Coram : N.M. Jamdar, J.

Date : 4 December 2018.

Oral Order :

1. By this petition, the petitioners have challenged the order passed by the learned Civil Judge, Junior Division, Aurangabad, on 28 September 2018 rejecting the application for re-issuance of summons to a witness.

2. The learned Civil Judge has recorded that the suit is pending since the year 2011. On several occasions, petitioners-

plaintiffs were accommodated liberally and thereafter evidence of plaintiffs had to be finally closed on 26 March 2018. Later on, by way of an indulgence, the learned Civil Judge recalled the order. Even after recalling of the order, opportunities were given to the petitioners to secure presence of the witness, which the petitioners did not do and, therefore, impugned order came to be passed.

3. Learned counsel for petitioners submits that the witness, petitioners seek to examine, is a Government witness before whom, according to petitioners, the agreement took place in the year 1961.

4. Learned Counsel for respondents submits that respondents, in fact, have applied to the Government authorities to find out whether such document exists and have received an official response that no such document exists.

5. No explanation is given for the conduct of petitioners seeking series of adjournments. No litigant has vested rights to seek endless adjournments. A strict view is necessary to inculcate the sense of discipline so that the pending suits are disposed of expeditiously.'

6. In the circumstances, no interference is called for in the

impugned order.

7. Writ Petition is accordingly rejected.

N.M. Jamdar, J.