

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3709 OF 2018

Anubai alias Anusaya Kathod Thakur ... Petitioner
Vs.
Sadanand Eknath Bhoir & Ors. ... Respondents

Mr. Saurabh Oka, Advocate for the petitioner.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **13th July, 2018.**

P.C.:

Upon mentioning, taken on production board.

2. In this Writ Petition, the order dated 5th January, 2018 passed below Application at Exhibit 65 in Regular Civil Suit No. 462 of 2003 refusing to record the evidence of plaintiff by Court Commissioner is challenged. It is informed that now the matter is fixed on 18th July, 2018.

3. In this Writ Petition, the copy of the say is not found. Notice is also not issued to the respondents. However, on perusal of the order it is found that the learned Judge has rejected the Application mainly on the point that there is nothing to show whether really the plaintiff is prevented due to her old age and it is mentioned that the Application

does not disclose the actual age of the plaintiff. However, the learned trial Court has lost sight of the verification of the plaintiff in the said Application Exhibit 65 wherein her age is mentioned as 85 years.

4. Notice is not given to the respondents. Considering the nature of the matter, it can be disposed of with following order:

“The trial Court may reconsider its order and if it is allowed, the plaintiff to bear the expenses of the Court Commissioner”.

5. Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)