

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4024 OF 2018

Sopan Triambak Wani (Pingale) & Ors.	...	Petitioners
V/s.		
Balkrushna Triambak Wani (Pingale) (Since decd.) Through LR's. & Ors.	...	Respondents

- Mr.Milind M. Sathaye for the Petitioners.
- Mr.Vivek Vijay Salunke for Respondent No.2.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 3rd APRIL, 2018.

P.C. :

1] Heard learned counsel for the Petitioners and learned counsel for Respondent No.2.

2] By this Writ Petition, filed under Article 227 of the Constitution of India, the Petitioners are challenging the order dated 21st March 2018 passed by the Civil Judge, Senior Division, Malegaon, District Nashik, below the application at Exhibit-233 in Special Civil Suit No.42 of 2011.

3] The application at Exhibit-233 was filed by the present Petitioner No.1-Sopan Triambak Wani on behalf of the other Petitioners, who are the original Defendants before the trial Court for issuance of witness summons to about 9 witnesses for proving certain

sale-deeds, which are produced on record and which are already marked as exhibits for administrative purpose.

4] The trial Court has rejected the said application on the count that it is filed at the belated stage. However, perusal of the say filed by the Respondent goes to show that Respondent has categorically stated therein that the Respondent-Plaintiff has no objection for reading these sale-deeds in the evidence. In this Writ Petition also, learned counsel for the Respondent submits that, the Respondent has no objection to admit these sale-deed in evidence.

5] In view thereof, if the sale-deeds can be admitted in evidence and exhibited, then there is no necessity of issuance of witness summons to any of these 9 witnesses.

6] Accordingly, the trial Court is directed to admit and read these sale-deeds in evidence, as they are already exhibited.

7] The impugned order therefore passed by the trial Court need not be disturbed.

8] Writ Petition is disposed of accordingly in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]