

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 7203 OF 2018

Xavier Mathew Fernandes ... Petitioner
Vs.
Usha Bipin Parmar through
POA Bipin Omkar Parmar ... Respondent

Mr. Amit Borkar, Advocate for the petitioner.
Mrs. Gauri Shah for Mr. Surel Shah, Advocate for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **7th August, 2018.**

P.C.:

In this Writ Petition, the order dated 14th March, 2018 passed by the 4th Joint Civil Judge Junior Division, Kolhapur below Exhibit 92 in Regular Civil Suit No. 207 of 2012 thereby rejecting the Application filed by defendant No. 1, who is the petitioner, for issuing witness summons to the Editors of daily newspapers of "Pudhari" and "Sakal" to prove publication of notice issued by the petitioner/defendant.

2. The respondent/plaintiff has filed the suit for possession. The defendant/petitioner has published the notice through his advocate in local newspapers "Pudhari" and "Sakal" and hence, has asked for witness summons to the Editors or any person who is conversant with the facts to give evidence on the point of proof of public notice.

3. The learned counsel for the petitioner has submitted that the notice is denied by the respondent/plaintiff and so it is necessary to prove the public notices published in the newspapers and proper course to prove such notice is to examine the author of the said notice.

4. The learned counsel for the respondent/plaintiff has submitted that the respondent/plaintiff has not disputed the publication of the notices in the said newspapers though contents are disputed.

5. Perused the impugned order. The learned Judge has taken a correct view and has rightly rejected the said Application. It is difficult to accept the submissions made by the learned counsel for the petitioner that the Editor or the Publisher is the author of the notices. No interference is called for in the order passed by the learned trial Court. Hence, Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)