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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6700 OF 2013

Namdeo S. Chavan & Ors.

...Petitioners

V/s.

Khandu K. Zhende & Ors.

...Respondents

Mr.V.S. Talkute for the Petitioners.

None for the Respondents.

**CORAM : R.D. DHANUKA, J.**

**DATE : 30TH AUGUST, 2018.**

**P.C. :-**

1. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 25<sup>th</sup> June, 2013 passed by the learned trial Judge dismissing the application filed by the petitioners for issuance of witness summons to the Executive Magistrate, who according to the petitioner had attested the signature of the respondent on the power of attorney. The said application is rejected by the trial Court on 25<sup>th</sup> June, 2013. The matter is at the evidence stage. There is no interim relief granted by this Court in this writ petition since 2013.

2. If the respondent no.1 is examined as a witness, he can be cross-examined by the petitioners on the issue of execution of the power of attorney. The respondent nos.2 and 3 have already settled

the matter with the petitioners.

3. For the reasons recorded aforesaid, I am not inclined to interfere with the impugned order passed by the learned trial Judge. Ad-interim order passed by this Court to stand vacated.

4. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

**(R.D. DHANUKA, J.)**