

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

12 WRIT PETITION NO.3979 OF 2019

RAMESH VISHWANATH KENDRE
VERSUS
SHESHRAO MASAJI KENDRE

...
Advocate for Petitioner : Mr. Sandeep C. Swami

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**CORAM : P.R. BORA, J.
DATED : 25th March, 2019.**

PER COURT:-

- . Heard the learned counsel for the petitioner.
2. Perused the impugned order.
3. Apparently, there appears no mistake committed by the Trial Court in rejecting the application. The plaintiff in the suit has not entered into the witness box. The record shows that the power of attorney holder of the plaintiff i.e. his wife has filed her witness affidavit. Below the said witness affidavit, the Trial Court has already passed an order that the facts which are not specifically within the knowledge of the plaintiff cannot be deposed by the power of attorney holder. In the circumstances, another application came to be filed by the petitioner calling the original plaintiff for his cross-examination. When the

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plaintiff himself has not deposed before the Court, there is no question of asking his cross-examination.

4. The writ petition being devoid of any substance deserves to be dismissed and is accordingly dismissed.

(P.R. BORA, J.)

Mujaheed//