

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8590 OF 2015
(Karbhari Vithoba Gandole Vs. Kamal Ashok Kale and others)

Mr.A.N.Nagargoje, Advocate for the petitioner.
Mr.D.D.Kulkarni, Advocate for respondent No.1.
Mr.K.N.Shermale, Advocate for respondent Nos. 2 to 7.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 03/07/2019

PER COURT :

1. This matter is heard for some time. The impugned order is dated 04/02/2015.
2. Learned Advocates for the respondents submit that if the petitioner approaches the Trial Court with a request for impounding of the document Exh.21/1, all their contentions be kept open.
3. Though the learned Advocate for the petitioner has strenuously canvassed his grounds formulated in the petition, it is obvious that as the document at Ex.21/1 is being pressed into service for establishing the ownership of the plaintiff on the suit land, the said document cannot be read in evidence unless it is registered.

4. In view of the above, this petition is disposed off with liberty to the petitioner to move an application for seeking impounding of the said document. If such an application is filed, the Trial Court would consider the same on its own merits after considering all the contentions of all the litigating parties.

5. Learned Advocate for the petitioner submits that the suit is 8 years old and the plaintiff is a widow. As such, the Trial Court would endeavour to decide RCS No.295/2011 on or before 31/05/2020.

(Ravindra V.Ghuge, J.)