

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

WRIT PETITION NO.4998 OF 2019

ZINIBAI BABAJI GAVIT AND ANOTHER
VERSUS
GOBAJI PHULAJI GAVIT AND ANOTHER

...

Advocate for the Petitioners : Shri Shah J.R. and Shri D.D.Chaudhari

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 21st August, 2019

Per Court:

1 The petitioners are aggrieved by the order dated 28.01.2019 passed by the Trial Court by which, the application exhibit 161 filed by the plaintiffs in RCS No.2/2007, seeking permission to lead additional evidence has been allowed.

2 The learned advocate for the petitioners has strenuously criticized the impugned order and has drawn my attention to the averments and the nine grounds formulated in the memo of the petition. With his assistance, I have gone through the petitioner paper book.

3 The record reveals that RCS No.2/2007 was filed by the plaintiffs, who are the respondents in this petition. They also led evidence in their capacity as plaintiffs in the said suit. Subsequently, these petitioners filed RCS No.15/2014, which is after 07 years from the date of

the filing of the first suit. The matter was carried to this court in Writ Petition No.3160/2018 by these petitioners. By order dated 11.06.2018, the writ petition was disposed off and both the suits were clubbed considering the causes of action set out in the said suits in between the same parties. It is, thereafter, that the plaintiffs in the first suit, sought to lead evidence to protect their interest as the defendants in the second suit.

4 I find that the impugned order dated 28.01.2019 has been passed in the peculiar circumstances of the case and cannot be branded as being perverse or erroneous. This Writ Petition being devoid of merit is, therefore, dismissed.

kps

(RAVINDRA V. GHUGE, J.)