

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

938 WRIT PETITION NO.14004 OF 2019

NAJAMODDIN KHAWAJA EHTESHAMODDIN DESHMUKH
VERSUS
NASIM EHTESHAM DESHMUKH

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Advocate for Petitioner : Shri Kedar B.R. h/f Shri Mewara R.H.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: November 20, 2019

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PER COURT :-

1. The petitioner / defendant in Special Civil Suit No.141 of 2017 is aggrieved by the order dated 31.7.2019, passed by the trial Court, by which, application Exhibit 34 seeking framing of additional issues, filed by the petitioner, has been rejected.
2. I have considered the submissions of the learned Advocate for the petitioner and I find that issue No.5 covers the aspect of the legal entitlement of the plaintiff.
3. The learned Advocate for the petitioner submits that the petitioner be permitted to withdraw this petition with liberty to cross-examine the plaintiff and lead evidence as per his pleadings.

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2- WRIT PETITION NO.14004 OF 2019

4. Considering the above, this petition is disposed off as withdrawn, on instructions. Needless to state every litigant is entitled to lead evidence and cross-examine the witnesses as per the pleadings set out before the Court and the apprehension of the petitioner that he would not be permitted to do so, would therefore, be misplaced.

(RAVINDRA V. GHUGE, J.)

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