

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.1487 OF 2019

Mohan Raghunath Phadtare & Ors.	..Petitioners.
V/s.	
Bhimrao Shamrao Phadtare & Anr.	..Respondents.

Mr.D.D.Rananaware for the petitioners.

None for the respondent.

CORAM : M.S.SONAK, J.

DATE : MARCH 15, 2019

P.C.:-

Heard Mr.Rananaware, learned counsel for the petitioner.

2. Challenge in this petition is to the order dated October 22, 2018 by which learned trial Judge has rejected the petitioner's application for seeking a direction to the City Survey Officer to produce on record the original City Survey register at the time of final argument.

3. Though, the impugned order contains no reason whatsoever, there is really no case made out to allow the petitioners' application. This is because, in this case, City Survey Officer was examined and has also deposed in the matter. At the time of his deposition, the original register was produced. According to the petitioners, City Survey Officer has also responded by stating that there

are over-writings in the register or that the register is not in the handwriting of the said officer. Taking into consideration all these aspects, no direction as prayed for by the petitioners, is required to be made. Accordingly, though the action of learned trial Judge in dismissing the application without giving reasons is not approved, but the final conclusion is upheld for the reasons now stated in this order.

4. The petition is accordingly dismissed.
5. There shall be no order as to costs.

(M.S.SONAK, J.)