

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9596 OF 2019

Nanabhau Barku Ahire ... Petitioner

Vs.

Balu Laxman Satalkar & Anr. ... Respondents

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Ms. Divya Parab I/b. Mr. R.N. Gite for the Petitioner.

Mr. Sachin S. Padaye I/b. Mr. G.R. Agarwal for the Respondents.

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CORAM : M. S. KARNIK, J.

DATE : 4th SEPTEMBER, 2019.

P. C.:

1. Heard learned counsel for the petitioner.
2. The petitioner is the original plaintiff. The petitioner challenges an order dated 10.7.2018 passed by the Trial Court below Exhibit 59 rejecting the said application. The application Exhibit 59 was filed by the plaintiff for issuance of summons for examining the witnesses which is mentioned in the application. The said application is rejected by the Trial Court on the ground that the plaintiff has filed a vague application. The Trial Court observed that no materials have been pleaded in the application as to on what point the plaintiff wants to examine the witnesses.

3. Learned counsel for the respondents opposed the petition. He would submit that the application as filed by the petitioner is vague. According to him, the said application is made only with a view to protect the litigation. He pointed out that plaintiff has already been examined.

4. Be that as it may, I find that the Trial Court rejected the application on the ground that the same has been filed in a casual manner and no specific details are mentioned in the application. In the interest of justice I am inclined to observe that in the event the plaintiff files a proper application for examining the witnesses, the Trial Court to consider the same on its own merits and without being influenced by any of the observations made in the impugned order dated 10.7.2018 passed below Exhibit 59.

5. With these observations, the petition stands rejected.

(M. S. KARNIK, J.)