

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 740/2019

Bhanudas S/o Devidas Mali
..VS..
Sau. Asha W/o Sadashiv Pahurkar & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.V. Bhide, Advocate for the petitioner

CORAM : Z.A.HAQ, J.
DATED : 04/02/2019

Heard.

The respondent nos. 1 to 6 have filed the application under Order 39 Rule 2-A of the Code of Civil Procedure which is under consideration by the trial Court. After the respondents filed pursis intimating that they do not want to examine any further witness, the petitioner (original defendant no. 1) filed the application (Exh. 37) praying that the proceedings under Order 39 Rule 2-A of the Code of Civil Procedure be dismissed. This application is dismissed by the learned trial Judge observing that the defendant no. 1 can exercise his right of examining the witness, if desired by him.

After considering the matter and going through the impugned order, I find that the learned trial Judge has adopted proper and correct approach. If the petitioner – defendant no. 1 feels that examination of any witness from his side is not required, he can intimate the trial Court accordingly and the matter can proceed further.

In the facts of the case, I see no reason to interfere with the impugned order which is purely interlocutory in nature and does not cause any prejudice to the petitioner.

The writ petition is **dismissed**. No costs.

JUDGE

Ansari