

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

**WRIT PETITION NO. 2894/2019**

APMC & anr.

..VS..

Sayyed Arshlan @ Kais S/o. S. Ali & anr.

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

**CORAM : Z.A.HAQ, J.**  
**DATED : 21/06/2019**

None appears for the respondents, though served.  
Heard Shri I.N. Choudhari, Advocate for the petitioners.

In the civil suit, the plaintiff had filed an application (Exh. 93) seeking permission to examine the Branch Manager of Jagruti Bank, Branch – Tirora as his witness. This application is allowed by the trial Court by the impugned order. Being aggrieved by the above order, the petitioners – defendant nos. 1 and 2 have filed this petition.

According to the defendant nos. 1 and 2, the pleadings of the plaintiff does not show that the plaintiff had taken loan from Jagruti Bank, Tirora Branch, and therefore the trial Court should not have granted permission to the plaintiff to examine the Branch Manager of Jagruti Bank, Branch – Tirora.

The submission made on behalf of the defendant nos. 1 and 2 is mis-conceived and cannot be accepted. The learned trial Judge has observed that the plaintiff has pleaded

that he had taken loan from bank and mere failure on his part to give the name of the bank, cannot deprive him of proving his case by examining the witness (Branch Manager). I find that by allowing the application (Exh. 93), the learned trial Judge has not committed any illegality or error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

The defendant nos. 1 and 2 shall place copy of this order attested by Shri I.N. Choudhari, Advocate, on record of the civil suit and bring it to the notice of the trial Court within 15 days, failing which the defendant nos. 1 and 2 shall pay costs of Rs. 10,000/- to the plaintiff. In such situation, the costs shall be deposited by the defendant nos. 1 and 2 before the trial Court.

**JUDGE**

*Ansari*