

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (W) NO.2537/2019 IN WRIT PETITION NO.6329/2018(d)

Smt. Veena Wd/o Dilip Gorey Vs. Ashok Daulatrao Goray and another.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R.R.Srivastava, Advocate for petitioner/non applicant.
Shri R.N.Ghuge, Advocate for respondent no.1/applicant.

CORAM : A.S.CHANDURKAR, J.
DATED : September 27, 2019

The respondent no.1 in the writ petition seeks clarification of the judgment dated 01.07.2019. It is stated in the application that the applicant had moved an application below Exhibit 71 praying therein that he be permitted to examine Doctors of his choice in support of his stand that the original petitioner was not of sound mind. It is stated that as direction no.1 of the order dated 01.09.2018 alone has been set aside, the trial Court ought to have permitted the present applicant to have led such evidence.

The application is opposed by the original petitioner by filing reply. It is stated that since direction no.1 of the order dated 01.09.2018 has been set aside, the question of the applicant being granted any liberty to lead evidence would not arise.

In paragraph 10 of the judgment dated 01.07.2019 it has been observed that the parties are free to bring on record such evidence as is necessary to substantiate their respective contentions. Parties would mean the parties to the suit. Hence, the prayer made in the application cannot be granted. The application is rejected with aforesaid observations.

JUDGE