

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO.5767 OF 2009

SHILPA W/O. VARDHMAN NAKEL
VERSUS
SHAHADEO S/O. SHRIHARI GHOLAP AND ORS.

.....
Advocate for Petitioner : Mr. Nagargoje Ankush N.
Advocate for Respondent No.1 : Mr. H.V. Tungar
.....

CORAM : V. K. JADHAV, J.
DATED : 21st FEBRUARY, 2020

PER COURT:-

1. Heard both sides.
2. In compliance with the order dated 14.2.2020, the Registrar (Judicial) of this court has submitted a report received from the District Court, Beed. It was intimated by the District Court, Beed that the suit bearing R.C.S. No. 508 of 2000 came to be disposed of in "otherwise category" by order dated 20.4.2010.
3. The petitioner is the original defendant No.4. The respondent No.1 plaintiff has instituted the said suit bearing R.C.S. No. 508 of 2000 in the Court of Civil Judge, Senior Division, Beed for declaration of ownership and possession of the suit plot. Pending the suit, the respondent No.1 plaintiff had filed an application below Exh.97 for permission to lead secondary evidence in respect of the documents as detailed in para 4 of the application. The petitioner-defendant has

resisted the said application by filing say on overleaf. The trial court by impugned order dated 2.7.2007 allowed the application Exh.97 and permitted respondent No.1-plaintiff to lead secondary evidence in respect of the documents as prayed in the application. It further appears that the respondent-plaintiff filed an application Exh.136 for issuing summons to the witnesses. The petitioner-defendant has opposed the said application by filing say on overleaf. It has been contended that so many chances have been given to the plaintiff and he is prolonging the matter. The trial court by impugned order dated 4.8.2009 allowed the said application. Hence, the petitioner-defendant has preferred this writ petition against those orders.

4. By order dated 31.8.2009 while granting Rule, this court has granted interim relief in terms of prayer clause "E" and as such, the execution, implementation and operation of the order dated 2.7.2007 passed below Exh.97 in R.C.S. No. 508 of 2000 only came to be stayed. In view of the same, further proceedings in the suit were not stayed. Since Regular Civil Suit No. 508 of 2000 now disposed of as per the information received from the District Court, Beed, this writ petition has become infructuous and disposed of accordingly. Rule discharged.

(V. K. JADHAV, J.)

rlj/