

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

Writ Petition No. 1071 of 2020

Samimunissa Sattar and others Vs. Munira Begum and others

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

Court's or Judge's orders

Ms. Shilpa Tapdiya h/f Mr. A.M. Quazi, Advocate for the petitioners

CORAM : MANISH PITALE, J.

DATED : MARCH 02, 2020

The petitioners herein are the original defendants, who have challenged order dated 02/12/2019, passed by the Court of Civil Judge (Junior Division), Kamptee, whereby an application moved on their behalf for issuance of witness summons to a particular person under Order 16 Rule 1 of the Code of Civil Procedure has been rejected. A perusal of the impugned order shows that the Court below has rejected the said application for the reason that the application is vague and it lacks sufficient material to explain as to why the petitioners intend to examine the said witness.

2. This Court has perused the application filed on behalf of the petitioners at Exh.165. A perusal of the same shows that it is cryptic and devoid of any discernible reasons for seeking issuance of witness

summons to the aforesaid person for the Court to exercise power under Section 16(1) of the Code of Civil Procedure. Therefore, no error can be attributed to the Court below. Accordingly, the writ petition is dismissed.

3. In the interest of justice, the petitioners are granted time of two weeks to move appropriate application seeking issuance of witness summons to the said witness before the Court below, by stating reasons for seeking such relief and leave of the Court. The respondents shall be entitled to file their objection / reply to such an application, if any, within a period of two weeks thereafter and the Court below will decide the said application, if filed immediately thereafter and in any case within a period of five weeks from today.

4. The writ petition is dismissed with above observations.

JUDGE