

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

WRIT PETITION NO. 7471 OF 2019

Abhishek s/o Ghanshyamdas Agrawal

Vs.

Pramodkumar s/o Shankarlal Agrawal

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

Court's or Judge's orders

Mr. R.I. Agrawal, Advocate for the petitioner

CORAM : MANISH PITALE, J.

DATED : JANUARY 24, 2020

By this writ petition the petitioner has challenged order dated 27.09.2019 passed by 10th Joint Civil Judge Senior Division, Nagpur, whereby an application filed by the respondent before the said Court, seeking issuance of witness summons to four witnesses, has been partly allowed. The said Court has rejected the prayer of the respondent for examining two witnesses while the prayer as regards other two witnesses has been granted.

2. Although the learned counsel appearing for the petitioner submitted that the application ought to have been dismissed in its entirety, it is submitted that the petitioner is concerned more about disposal of the suit expeditiously.

3. In this light, it is submitted that although the application has been partly allowed and it has been directed that after the respondent examines himself witness summons be issued to witness nos. 3 and 4 specified in the application, according to the petitioner the lease deed, in respect of which the said witnesses are sought to be examined by respondent, itself is not on record.

4. Notices were issued in this writ petition and the respondent is shown to be represented through counsel, but when the petition is called out for hearing, none appeared on behalf of the respondent.

5. Considering the limited nature of prayer made in present writ petition on behalf of the petitioner, this Court is of the opinion that the petition can be partly allowed.

6. In the interest of justice, this Court declines to interfere with the impugned order passed by the Court below. But, at the same time it is obvious that witnesses sought to be examined by the respondent in respect of a lease deed, can be examined only if the such document is on record.

7. According to the petitioner, no such document has been placed on record. Therefore, while maintaining the impugned order passed by the

Court below, it is directed that witness summons shall be issued to witness nos.3 and 4 stated in the application at Exhibit 144, only after the document stated to be lease deed is placed on record, if it is not already on record before the Court below.

8. In the interest of justice it is directed that the suit pending before the Court below shall be disposed of expeditiously and in any case within a period of six months from today.

9. Insofar as challenge to order dated 27.10.2014 passed below Exhibit 5 is concerned, the writ petition is dismissed.

10. The writ petition is disposed of in above terms.

JUDGE