

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3701 OF 2022

**AALABHAI BHALABHAI BHARWAD AND OTHERS
VERSUS
ASHOK RATANLAL WANI AND OTHERS**

...
Advocate for Petitioners : Mr. Kishor Chandrakant Sant

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 24th March, 2022

ORDER :

. The petitioners are aggrieved by the order dated 11/01/2022 passed by the learned Civil Judge, Junior Division, Dondaicha, thereby rejecting the application filed by the petitioners under Order IV Rule 17 of the Code of Civil Procedure.

2. After hearing the learned Advocate for the petitioners at length and on going through the documents placed on record, it transpires that, plaintiffs' evidence is over and thereafter, though the petitioners/original defendants were given sufficient opportunity, they have failed to lead evidence. Twice, no cross order passed against the petitioners/original defendants was set aside. In spite that, the

petitioners/original defendants failed to lead evidence and the suit is fixed for final arguments. In that view of the matter, the Trial Court was justified in rejecting the application filed by the petitioners which was filed at the fag end of the suit. No illegality or perversity is found in the order impugned in the present petition. The writ petition, being devoid of merits, is dismissed.

[NITIN B. SURYAWANSHI, J.]

Sameer