

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

WRIT PETITION NO.4801 OF 2022

**BALU JIVAN WAYKAR THR HIS GENERAL POWER OF
ATTORNEY JIVAN TATYABA WAYKAR
VERSUS
SANTOSH LAXMINARAYAN SARDA**

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Mr. N. P. Bangar, Advocate for the Petitioner.
Mr. R. B. Jaju, Advocate for Respondent.

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**CORAM : SANDEEP V. MARNE, J.
DATED : 22nd DECEMBER, 2022.**

PER COURT:-

1. By this petition petitioner challenges the order dated 16.12.2022 passed by the 4th Joint Civil Judge, Senior Division, Beed directing that the evidence of plaintiff shall stand closed.
2. The suit is filed for declaration and perpetual injunction. The deposition of plaintiff is already over. Plaintiff desired to examine four more witnesses and on account of non-supply of addresses for issuance of witness summons, the Court proceeded to pass an order of evidence closure against plaintiff.
3. The petition is opposed by Mr. Jaju, learned counsel appearing for respondent.
4. Considering the facts and circumstances of the case, one indulgence is required to be granted to plaintiff/petitioner to lead his evidence without any further delay.

5. Accordingly, order dated 16.12.2021 passed by the 4th Civil Judge, Senior Division, Beed is set aside. Petitioner shall be at liberty to examine the witnesses on or before 28.02.2023. Petitioner shall file an application before the Trial Court for issuance of witness summons to four witnesses on the next date of hearing.

6. With the above directions writ petition is disposed of. The suit is of the year 2015 and therefore, the Trial Court shall make an endeavour to decide the same in expeditious manner.

(SANDEEP V. MARNE)
JUDGE