

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

941 WRIT PETITION NO.11664 OF 2022

**LATA MUKTESHWAR JADHAV
VERSUS
SUMANBAI BHASKAR SOLUNKE AND OTHERS**

...
Advocate for Petitioner : Mr. Narendra V. Mande

...

CORAM : SANDEEP V. MARNE, J.

DATE : 24-11-2022

PER COURT :

. By this petition, petitioner has assailed the order dated 29.08.2022 passed by the 2nd Jt. Civil Judge Senior Division, Aurangabad rejecting the petitioner's application at Exh.186 for expunging / rejecting the evidence affidavit of PW -3.

2. The application was filed by petitioner on the ground that the evidence sought to be adduced by PW -3 was unsupported by the pleadings in the plaint. The ability of the witness to adduce evidence was also questioned.

3. The trial Court after going through the evidence of PW-3 has recorded a categorical finding that the evidence of PW-3 is not irrelevant. Considering this finding recorded by the trial Court, there is no scope for interference by this Court under Article 227 of

the Constitution of India. The petition is devoid of merits and the same deserves to be dismissed. The petition is rejected. However it is clarified that the issues with regard to the admissibility and relevancy of the evidence are left open to be argued at the time of final hearing of the suit.

(SANDEEP V. MARNE, J.)

GGP