



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

WRIT PETITION NO. 9888 OF 2023

Shankarlal Manilal Agrawal
and another

.. Petitioners

Versus

Digambar Manilal Lunawat and others .. Respondents

Shri Rahul R. Sancheti, Advocate for the Petitioners.

Shri M. g. Kochar, Advocate for the Respondent Nos. 3 and 4.

CORAM : SHAILESH P. BRAHME, J.

DATE : 30TH NOVEMBER, 2023.

FINAL ORDER :

. Heard both the sides finally at admission stage.

2. An order dated 18.01.2023 passed below Exhibit 242 in Spl. C. S. No. 52 of 2010 by the learned Civil Judge Senior Division, Nandurbar is under challenge. By Exhibit 242, the petitioners/original plaintiffs sought a witness summons to be issued to the revenue authorities as well as summons to produce documents. By the impugned order only summons to produce document is issued.

3. The learned counsel for the petitioners has placed on record order dated 16.10.2023 passed below Exhibit 260 by the learned Trial Judge. It indicates that the parties have no serious objection for issuing witness summons to the Talathi,

Nandurbar. As the civil suit is at the evidence recording stage, the prayer of the petitioners cannot be said to be misplaced.

4. The writ petition is disposed of by quashing order dated 18.01.2023 passed below Exhibit 242. The application Exhibit 242 stands allowed. The Trial Judge is requested to conclude the Spl. C. S. No. 52 of 2010 expeditiously.

[SHAILESH P. BRAHME, J.]

bsb/Nov. 23