

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

WRIT PETITION NO. 13569 OF 2023

Dashrath Aaba Gaikwad
Since Died Through LRs
Indubai Dashrath Gaikwad and others .. Petitioners

Versus

Ashabai Fakira Gaikwad and others .. Respondents

Shri Dattatraya R. Markad, Advocate for the Petitioners.

**CORAM : SHAILESH P. BRAHME, JJ.
DATE : 31ST OCTOBER, 2023.**

FINAL ORDER :

. Heard the learned counsel for the petitioners.

2. In the present petition an order dated 03.10.2023 below Exhibit 132 in R.C.S. No. 112 of 2017 passed by the learned 03rd Joint Civil Judge Senior Division, Ahmednagar is under challenge.

3. The petitioners are the original plaintiffs, who have filed suit for declaration and injunction. It is contested by the respondents. Parties have led their evidence in the Trial Court. Thereafter the petitioners tendered an application below Exhibit 132 for collecting the DNA sample from the grave of one Fakira Aaba Gaikwad and referring the same to the forensic laboratory.

It is rejected by the learned Trial Judge.

4. The petitioners have denied the relationship of the deceased Fakira with Ashabai and Sarita. The request of the petitioners at Exhibit 132 is extraneous. Evidence recording stage is already over. The learned Judge has rightly rejected the application considering the conduct of the petitioners. I do not find any perversity in the impugned order. The writ petition is dismissed. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

bsb/Oct. 23