

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

940 WRIT PETITION NO.14593 OF 2023

**VAIBHAV RAJABHAU SANGALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Jadhavar Santosh Sampatrao
AGP for Respondent No. 1 : Mr. V.M. Chate

CORAM ...
DATE : 01st DECEMBER, 2023

PER COURT :

1. The grievance of the petitioner is that the application Exhibit 41 under Order XXVI Rule 9 of the Code of Civil Procedure, is rejected by impugned order.

2. It transpires that application has been made before commencement of trial. In view of law laid down by this Court in the matter of *Sitaram Sukhlal Patil Versus Vasudev Sukhlal Patil*, in Writ Petition No. 9626 of 2016 and *Sarjerao Nathu Bangar Versus Namdeo*, in Writ Petition No. 13441 of 2019, the grievance of the petitioner cannot be entertained at this stage.

3. The Writ Petition is disposed of with liberty to the petitioner to file application under Order XXVI Rule 9 of CPC, at appropriate stage after commencement of trial.

[SHAILESH P. BRAHME, J.]