

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2817 OF 2023

Bhupal Shankar Daribe

... Petitioner

Versus

Kalappa Shankar Daribe (since deceased)

through LR's and others

... Respondents

.....

Mr. Ishaan Kapse for the Petitioner.

.....

CORAM : N.R. BORKAR, J.

DATED : 15 JUNE 2023

P.C. :-

. This Petition takes an exception to the order dated 6 January 2023 passed by the learned 6th Joint Civil Judge, Junior Division, Ichalkaranji below Exhibit 59 in Regular Civil Suit No.248 of 2015.

2. By the order impugned the trial Court rejected the application filed by the petitioner/plaintiff to direct the respondents/defendants to lead their evidence first in a suit filed by him for partition, in view of their defence of previous partition of the suit property.

3. It is not the case of the petitioner/plaintiff that he is not required to prove any of the issues framed in the suit and he just want to lead the evidence in rebuttal on the issues which are required to be proved by the respondents/defendants. In that view of the matter, no interference is called for in the impugned order. The Writ Petition is dismissed.

(N.R. BORKAR, J.)