

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 7178 OF 2023**

Azruddin Tajuddin Sayyed

...Petitioner

Versus

Ramchandra Sadashiv Memane (deceased)

through legal heirs and ors.

...Respondents

.....

Mr. Ruturaj Bathe for the Petitioner.

Mr. Sumit Khaire for Respondent Nos. 1 to 4.

Mr. C. D. Mali, AGP for the State.

.....

CORAM : N.R. BORKAR, J.

DATED : 20 JUNE 2023

P.C. :-

This petition takes exception to the order dated 24 November 2022 passed by the Agricultural Lands Tribunal.

2. I have heard the learned counsel for the petitioner, the learned counsel for the contesting respondent and perused the impugned order.

3. It appears that on 13 August 2021, the respondent had filed an application for examining witnesses. The Tribunal had allowed the said application by order dated 2 September 2021. It appears that, thereafter on 21 October 2021, the petitioner had moved an application, that respondent can not be permitted to examine the witnesses as he had already closed his evidence. By the order impugned, the Tribunal rejected

the said application.

4. The learned counsel for the petitioner submits that the permission to examine the witnesses was sought to fill up the lacuna and therefore the Tribunal ought not to have allowed the said application.

5. It is not the case of the petitioner that the evidence of the witnesses, which the respondent intends to examine, is irrelevant for the purpose of deciding the dispute between the parties. In that view of the matter, I am not inclined to interfere with the order impugned in a writ jurisdiction. The Petition is dismissed.

(N.R. BORKAR, J.)