

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10372 OF 2023

Pandurang Kathod Chowdhary

... Petitioner

V/s.

Sunil Kathod Choudhary & Ors.

... Respondents

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Ms. Tejashree Joshi for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 23, 2023

P.C.:

1. Challenge in this writ petition is to the rejection of application under Order 11 Rule 1 of the Code of Civil Procedure, 1908 filed by the defendant in a suit for partition.
2. The application was filed when the suit was fixed for final arguments. It is undisputed that the plaintiff has failed to lead evidence in support of his case. Considering the nature of interrogatories and the fact that the plaintiff has failed to lead evidence and the suit is fixed for final arguments, at this stage there is no need to interfere with the order impugned.
3. The writ petition, therefore, stands dismissed. No costs.

(AMIT BORKAR, J.)