



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO. 10415 OF 2024

SHOBHA BABAN MULE AND ANOTHER
VERSUS
VIJAYKUMAR HIRALAL SHETIYA AND OTHERS

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Advocate for the Petitioner : Mr. Tandale Kakasaheb J.

CORAM : ARUN R. PEDNEKER, J.

DATE : 24th SEPTEMBER, 2024

PER COURT:

1. The petitioners / defendants filed application to summon plaintiff no.5 as the witness to ascertain the nature of transaction on the basis of which the suit is filed by the plaintiffs for recovery of money. The plaintiffs have lead their evidence so also the defendants have lead their evidence and application is filed by the defendants praying for summoning of plaintiff no.5 as a witness in the case. The said application is rejected against which the appeal from order is filed. The same is also rejected by the appellate court; against which the present writ petition is filed.

2. The plaintiffs have already lead evidence and the appellants / defendants already availed opportunity to cross examine the plaintiffs witness before the trial court. In the event, the plaintiffs have

examined relevant witnesses, it will be the plaintiffs; who would suffer consequences for the same. In the fact situation, the defendants cannot insist that plaintiff no.5 be summoned as witness.

3. In view of the same, I do not see any error in the impugned order.

4. The writ petition accordingly stands dismissed.

[ARUN R. PEDNEKER, J.]

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