



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

39 WRIT PETITION NO. 9939 OF 2022

**DATTU BABA THOMBARE AND ANOTHER
VERSUS
SAKHARBAI BHAGWAN RAJGURU**

Mr. Irfan Maniya, Advocate for the respondent

CORAM : R. M. JOSHI, J.

DATE : 18th NOVEMBER, 2024

PER COURT :-

1. None present for the petitioners.
2. Perusal of the record indicates that the learned Trial Court by passing order below Exhibit 39 has clearly allowed the respondent/original plaintiff to lead additional evidence. It does not mean that the application Exhibit 41 also stands allowed. Perusal of the order passed by the learned Trial Court on application Exhibit 41 indicates that other side to call upon to give say thereon. Thus, this petition is premature. Hence, this petition stands dismissed. It is open for the learned Trial Court to decide the application Exhibit 41 in accordance with law.

(R. M. JOSHI, J.)

ssp