



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

979 WRIT PETITION NO. 7939 OF 2012

Dnykumar Tatiyarao Aarya

....Petitioner

VERSUS

Manohar Guruappa Lokhande And Ors

.....Respondent

.....

Advocate for the Petitioner : Mr. V.P. Latange

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CORAM : ARUN R. PEDNEKER, J.

Dated : January 17, 2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. By way of the present writ petition, the petitioner is challenging the order dated 14.8.2012 passed below Exh. 46 in Spl. Civil Suit No. 195/2009 by the learned Civil Judge, S.D. Lature. Plaintiff has filed application, Exh. 46, for condonation of delay 378 days caused in presenting the list of witnesses under Order 16, Rule 1 of C.P.C.
3. After considering the say of the defendants, the learned Judge of the Court below observed that earlier same application was moved below Exh. 45 which was decided and plaintiff was directed to file the affidavit of examination in Chief of all his witnesses to who he wish to examine. The learned Judge of the Trial Court also observed that the above order was explained to the plaintiffs and time was granted as per his convenience, but instead of complying the order, the plaintiff has moved another application for same relief as Exh. 46. In view of the above, the learned Judge of the Trial Court has rejected the application as it cannot review its earlier order and there is no compliance of the earlier order below Exh. 45.
4. Admittedly the order passed below Exh. 45 is not complied by the plaintiff and second application for the same cause cannot be said to be bonafide. In view of the above, I hold that the order passed by the learned Judge of the Trial Court does not appear to be erranous and the same is rightly rejected by the Trial Court. Hence, the writ petition is dismissed.

(ARUN R. PEDNEKER, J.)