



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO. 10414 OF 2024

SAHEBRAO PANDURANG HATOLE

VERSUS

NIRMALA RAMLAL CHHANE AND ANOTHER

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Advocate for the Petitioner : Mr. B. G. Sagade

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CORAM : ARUN R. PEDNEKER, J.

DATE : 24th SEPTEMBER, 2024

PER COURT:

1. By the present petition, the petitioner challenges the order passed by the learned trial court seeking recall of the order dated 12.12.2019, passed in application Exhibit-80 filed by defendant no.1 in respect of issuance of summons to defendant no.2 CIDCO Authority.

2. The facts of the matter are that defendant no.1 approached for issuance of witness summons on behalf of herself to call for the office bearers of the CIDCO by issuing summons along with record of the concerned documents in respect of the suit property. By order dated 12.12.2019, the court issued summons to the CIDCO authority. Thereafter, the witness remained present in the court. However, the said witness had not brought all these documents and sought adjournment to bring the documents. After the witness remained present, the application

Exhibit-93 is filed by the petitioner / plaintiff stating therein that, when the earlier order was passed in the year 2019, the Say of the plaintiff was not called for. The said application Exhibit-93 is rejected by the impugned order dated 02.08.2024.

3. Since, it is the right of defendant no.1 to lead evidence to substantiate her claim and the application filed by the defendant is already allowed in the year 2019, it is a belated application by the plaintiff to seek recall of the order after 3 years. In any event, the if the petitioner / plaintiff was aggrieved by earlier order passed on 12.12.2019, the petitioner / plaintiff ought to have challenged the same earlier. The application moved is belated, so also, the court is not in a position to review it's own order.

4. The writ petition accordingly stands dismissed.

[ARUN R. PEDNEKER, J.]

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