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{wp10682.24}

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

8 WRIT PETITION NO. 10682 OF 2024

KAILAS SHRINIVASRAO DESHMUKH

VERSUS

SANDEEP MAROTRAO KAWALE AND OTHERS

Mr. Sachin Deshmukh h/f. Mr.A.P. Deshmukh, Advocate for the petitioner.
Mr. K.S. Hoke Patil, AGP for respondent Nos. 2 and 3.

CORAM : KISHORE C. SANT, J.

DATE : 01.10.2024

PC :-

01. This petition is filed challenging the order dated 25.04.2023 passed by the learned Co-operative Court, Nanded on an application below Exh.127 in Dispute No.56 of 2021. The petitioner had applied for issuance of summons to three witnesses in support of his defence. The learned Court has passed following order :-

“Opponent has not mentioned relevance of these witnesses to the case in hand. Hence, application is rejected.”

02. The learned Advocate submits that the application needs to be read in context of averments in para 8 of the dispute. The witnesses happens to be office bearers of Majoor Co-operative Society. These witnesses are the persons, who can throw light on the dispute. He, thus, submits that the order is thus cryptic passed below Exh.127. The Court has not considered the relevance as to why witnesses are necessary and without discussing reasons, has rejected the application.

03. After going through the application, it finds that there are no particulars as to why the petitioner wants to examine the witnesses. Due to lack in particulars, this Court finds that in such circumstances, the petition can be disposed off by granting liberty to the petitioner to file fresh application giving sufficient particulars, so that learned Judge can apply its mind and pass order. Since no order affecting rights of any of the respondents is passed, no notice is required to the respondents. The learned AGP appears for respondent Nos. 2 and 3.

04. With the above observations, the petition is disposed off with no order as to costs.

[KISHORE C. SANT, J.]