



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13921 OF 2024
IN WRIT PETITION NO. 3475/2024

ASHOKKUMAR BANDRINARAYAN BHARADIYA
VERSUS
JANABAI DATTU MAHSKE ALIAS JANABAI B. ANKUSH AND OTHERS

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Advocate for State : Mr. P.K. Lakhotiya
Advocate for Respondent Nos. 1 to 5 : Mr. R.S. Deshmukh Senior
Counsel i/b. Mr. Devang Deshmukh

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CORAM : R.M. JOSHI, J.
DATE : 19th DECEMBER, 2024

PER COURT :

1. Not on board. By consent of both sides, taken on board.
2. Learned Advocate for the applicant submits that this Court by order dated 21.11.2023 passed in Writ Petition No. 3475/2024 has directed the applicant to conclude evidence before 20.12.2024.
3. It is his submission that on account of non-response of one of the witness as well as non-availability of the documents from office of Collector, evidence cannot be concluded within the stipulated time. He, makes statement, on instructions, that if time is extended by this Court up to 15.01.2025, no further extension shall be sought on any ground whatsoever.
4. Learned Senior Counsel on behalf of the respondent nos. 1 to 5 strenuously opposed the application. He drew attention of the Court to the order passed by this Court as noted above. It is his submission that the party cannot be permitted to seek extension of time in this manner. He also has the grievance that in the proceeding in respect of which execution is taken out, is of year 1976.

5. Though, this Court finds substance in the contention of the Senior Counsel for the respondent nos. 1 to 5, at the same time, interest of justice requires that the reasonable time is given to the applicant to lead evidence and substantiate his contention before the execution.

6. Hence, statement made by the learned counsel for the applicant is accepted as an undertaking.

7. Time is extended for leading of evidence till 15.01.2025.

(R.M. JOSHI, J.)