

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5199 OF 2024

Yogesh @ Ganpatrao Dinakar Patil and Ors. .. Petitioners

Versus

Sambhaji Tatyaso Deshmukh and Ors. .. Respondents

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- Mr. Gautam R. Kulkarni i./by Mr. Satyajeet A. Rajeshirke, Advocate for Petitioners.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 18, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Kulkarni, learned Advocate for Petitioners.
- 3.** Perused the praecipe dated 18.04.2024 and the Writ Petition.
- 4.** The impugned order dated 08.08.2023 rejects the Application filed by Plaintiffs seeking issuance of witness summons to the Government Officer namely the District Superintendent of Land Record, Sangli to appear in Court and give evidence on a statutory order passed by the said Officer.
- 5.** The reason for rejection of the Application as stated by the learned Trial Court in its order dated 08.08.2023 which is at Exhibit-J, page No.74 of the Writ Petition is that the suit is filed for declaration of ownership and injunction and the said order in respect of which the

suit summons is sought to be issued has not been filed by the Plaintiff alongwith the necessary documents in the suit proceedings.

6. Learned Trial Court has clearly opined after perusing the said document that it relates to a subsequent event which occurred after filing of the suit proceedings and further that the proposed document may not be necessary for adjudication of the suit.

7. Be that as it may, this Court has taken a consistent stand that in respect of statutory orders passed by Government Officers, the Government Officer shall not be summoned to the in Court of law to give evidence and interpret its order.

8. I have perused the order and it is clearly seen that said order is an appellable order under the provisions of the Maharashtra Land Revenue Code, 1966 (for short '**the said Act**'). Reasons and purpose for which the deposition is sought is not clear at all.

9. In that view of the matter, I do not find any reason to interfere with the impugned order dated 08.08.2023. The order is sustained. Resultantly, the Writ Petition is dismissed.

10. Needless to state that all contentions of the Plaintiffs are expressly kept open in so far as the suit proceedings are concerned.

11. Writ Petition is disposed accordingly.