

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1046 WRIT PETITION NO. 15569 OF 2023

**MANJEETKAUR BABUSINGH MALI DIED THROUGH LRS S
DEVENDERSINGH BABUSINGH MALI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND
OTHERS**

...
Advocate for the Petitioners : Mr. Sandanshiv Milind B.
AGP for Respondents/State : Mr. D.R.Korde
Advocate for Respondent No. 4 : Mr. Malte Uday S. (Through V.C.)
...

**CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 12.12.2025**

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of present petition, the petitioners are challenging the order dated 24.11.2023 passed below Exh. 227/A by the learned Civil Judge, Senior Division, Nanded, District Nanded in Special Civil Suit No. 324 of 1997, whereby the application filed by Original Plaintiffs/Petitioners for re-examination of the witness namely Iliyas Gulam Ahmed Ansari (PW-2) came to be rejected.
3. Learned Counsel for the petitioner submits that PW-2 who was cross-examined by the Counsel for Original Defendant No. 4 when learned Counsel for the Petitioner/Original Plaintiff and certain admissions were given by (PW-2). Testimony regarding the acquisition was unnecessarily brought on record by the PW-2. PW-2 was not a Land

Acquisition Officer and had no knowledge of acquisition of land yet he was cross-examined on those points. There were ambiguities which needed clarification.

4. I have gone through the order passed below Exh. 227/A and deposition of PW-2 Iliyas. It reveals that there was no ambiguity in the deposition but it can be said that the witness had not supported the case of the plaintiff. Therefore, it is for the plaintiff to raise this ground at the time of argument. It is settled principle of law that the witness cannot be re-examined for the purpose of filling up of the lacuna of the evidence. Therefore, I do not find any reason to interfere with the order dated 24.11.2023 passed below Exh. 227/A by the learned Civil Judge, Senior Division, Nanded, District Nanded in Special Civil Suit No. 324 of 1997 under Article 227 of the Constitution of India.

5. In view thereof, the Writ Petition is dismissed. No order as to cost.

6. It is brought to the notice that the suit is of the year 1997, the trial Court is directed to decide the suit within a period of six months from today.

(SIDDHESHWAR S. THOMBRE, J.)

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