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

27 WRIT PETITION NO. 4951 OF 2025

HANUMANDAS DWARKADAS SONI DIED THR LRS VINOD
HANUMANDAS SONI AND OTHERS

....Petitioners

VERSUS

SANJAY CHOTHMAL CHANDAK AND ANOTHER

.....Respondents

Mr. M. M. Patil (Beedkar), Advocate for the petitioners

Mr. S. S. Rathi, Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 28th APRIL, 2025

P. C.

1. Heard the parties.
2. The matter is taken up for final disposal by consent of the parties.
3. The challenge in this petition is to an order dated 24-02-2025 passed by the CJSD, Parbhani below Exh. 266 in RCS No. 226/2018. The application by the present petitioners-

defendants came to be rejected seeking for witness summons to the Secretary, Janta Vyapari Society.

4. It is the case of the petitioners that the plaintiff has filed the suit for removal of obstruction seeking permanent injunction and mandatory injunction. The said Janta Vyapari Society is the owner of adjoining property and therefore, their Secretary is also aware of the situation and therefore, he is required to be examined in support of the case of the defendants.

5. The learned court however, found that evidence of such witness is not necessary and rejected the application with cost of Rs.2000/-. It is observed that the petitioners are trying to delay the proceeding. This court has already given direction to decide the suit before June, 2025.

6. The learned advocate Mr. Patil, vehemently argued the petition. He submits that only opportunity should be granted

to the defendants to prove his case. Evidence of the Secretary would be of assistance to the court as the society happens to be owner of adjoining property. He points out the earlier orders as well. He thereafter, submits that though the suit is scheduled to be heard in June, 2025 the learned trial Judge has kept the suit for judgment tomorrow. He prays for allowing the the petition by setting aside the impugned judgment and order.

7. Mr. Rathi, learned advocate vehemently opposed the petition. He submits that the petitioners had approached this court without success. This court has specifically directed to dispose of the suit before June, 2025. He points out the order dated 14-01-2025 passed in writ petition No. 607/2025. He invites attention of this court to para No. 8 of the said order. He thus, prays for rejection of the petition.

8. This court does not find any perversity or illegality to the impugned order dated 24-02-2025. The writ petition, therefore, stands dismissed. No order as to costs.

9. It is made clear that the learned trial Judge shall hear all the present petitioners-defendants in the suit and thereafter to pass order. Petitioners to ensure that their argument is advanced on or before 5th of May in any case. If no argument is advanced by that date the learned trial court is free to decide the suit.

10. The parties to act upon authenticated copy of this order.

[KISHORE C. SANT, J.]

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