



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5105 OF 2024

Smt. Yashoda Wd/o. Nago Lilhare and Others

Vs.

Assistant Forest Conservator (Tendu & Campa) and Another

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.N. Vastani Advocate for the Petitioners.
Mr. A.A. Madiwale, AGP for the Respondent/State.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATED : 13th OCTOBER, 2025

1. Heard Mr. A.N. Vastani, learned counsel for petitioners and Mr. A.A. Madiwale, learned AGP for respondent/State.

2. The petitioners are challenging the order passed below Exh.52 dated 07.08.2024 passed by the learned Civil Judge Senior Division, Gondia in Regular Civil Suit No.188/2023 rejecting, the application filed by the petitioner for issuance of witness summons for calling upon the Surveyor Mr. N.B. Bagde. The said application was opposed by the defendants before the learned Trial Court. The learned Trial Court recorded the finding that the plaintiff may call him as a witness during the trial.

3. With assistance of the learned counsel for both the parties, I have gone through the documents which are available on record and I find that the application for

temporary injunction dated 31.07.2023 at Exh.5 is yet to be decided. Filing an application for issuance of witness summons at such preliminary stage is not proper. This can be considered by the learned trial Court after the petitioner has led the evidence to that effect.

4. In view of that, I am not inclined to consider the prayers of the petitioner at this stage. However, the petitioner may file an application afresh, if occasion arises, during the trial. Learned Trial Court is hereby, directed to decide the such application on its own merits.

5. In view thereof, the present writ petition is **dismissed**. No order as to costs.

(SIDDHESHWAR S. THOMBRE J.)

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