



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

Writ Petition No.5771/2024
Rafiq Abdulla Sheikh Memon Vs. Raju s/o Natthu Dudhe

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms. Ragini K. Swami, Advocate for petitioner.
Mr. A.S.Deshpande, Advocate for respondent.

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 10/10/2025.

1. Heard Ms. Ragini K. Swami, learned counsel for petitioner and Mr. A.S. Deshpande, learned counsel for respondent.

2. The petitioner has challenged the order dated 19.08.2024 passed by learned Civil Judge, Senior Division, Pusa below Exhibit-1 in Special Civil Suit No.12/2018, whereby the learned Trial Court ordered that the evidence of the plaintiff be closed and the defendant shall start his evidence on next date. The petitioner has also challenged the order below Exhibit 75, by which the learned Trial Court rejected the application filed by the plaintiff seeking issuance of witness summons to witness Shaikh Anis Shaikh Chand for the purpose of proving the agreement dated 31.7.2015.

3. Having perused both the impugned orders and after hearing both the learned counsels for the respective parties, it is revealed that the plaintiff himself had filed an application seeking issuance of witness summons, thereby indicating his intention to lead evidence. In the interest of justice, both the impugned orders deserve to be set aside, and both the applications stand allowed, subject to payment of costs of Rs.10,000/- to be paid to the High

Court Bar Library, Nagpur, within a period of three weeks from today.

5. The petition is allowed in the aforesaid terms.

(Siddheshwar S. Thombre, J)

mukund ambulkar