



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

WRIT PETITION NO. 3468 OF 2025

AJIT KAUR PRITAM SINGH CHABDA

VERSUS

RANJIT KAUR PRITHPAL SINGH GURUDATTA AND OTHERS

Mr. Sharad V. Natu, Advocate for the Petitioner.

Mr. Shivaji M. Nawale, Advocate for Respondent Nos.12, 13B, 15, 16 and 17.

Mr. S. S. Bharuka, Advocate for Respondent No.1.

Mr. V. A. Bagadiya, Advocate for Respondent No.2.

Mr. A. D. Soman, Advocate for Respondent No.3.

Mr. C. V. Thombre, Advocate for Respondent No.7a.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 18th MARCH, 2026.

P.C.:-

1. The present Writ Petition takes exception to order dated 07.02.2025 passed below Exhibits-1259 and 1260 by Civil Judge, Senior Division, Aurangabad in Special Civil Suit No.207/2002.

2. After hearing learned Advocates appearing for respective parties and after considering nature of evidence affidavit filed on behalf of petitioner, it appears that, evidence affidavit is not happily worded. It would be in the interest of parties, if petitioner is permitted to replace evidence affidavit with properly drafted affidavit of examination-in-chief in his capacity as Power of Attorney of plaintiff and containing only relevant facts, which are within his personal knowledge. The petitioner is, therefore, permitted to withdraw evidence affidavit dated 07.01.2025 filed at Exhibit-1256 and file fresh evidence affidavit in his capacity as

Power of Attorney holder for plaintiff, thereby stating only relevant facts, which are within his personal knowledge.

3. In view of permission to withdraw evidence affidavit Exhibit-1256, impugned order does not survive and same is accordingly quashed and set aside.

4. Writ Petition stands disposed of with aforesaid direction.

5. Needless to state here that, after filing fresh evidence affidavit by Power of Attorney of plaintiff respondents shall be at liberty to cross-examine him on all counts as permissible under law.

(S. G. CHAPALGAONKAR)
JUDGE