



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 WRIT PETITION NO.1032 OF 2026

Ramling S/o Rachotii Swami

VERSUS

Shantveer S/o Ramling Swami And Others

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Advocate for Petitioner : Mr. Sayyed Tauseef Yaseen

Advocate for Respondents 1-3 : Mr. K. P. Rodge h/f P.G. Rodge

Advocate for Respondent No.4 : Mr. Ajinkya Reddy

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 08, 2026

ORDER :-

1. Present writ petition takes exception to the order dated 15.12.2025 passed below Exhibit-1 in R.C.S. No.78 of 2021. Petitioner further raises challenge to the order passed below Exhibit-53 whereby his application seeking permission to lead evidence has been rejected.

2. Respondent no.4 instituted suit seeking declaration of ownership and perpetual injunction. Claim is based on a will dated 27.12.2020. The petitioner appears to be one of the attesting witness on the will and, therefore he is added as defendant no.4. No relief is claimed against the petitioner nor the decree passed in suit would affect his right.

3. In this background, petitioner filed an application below Exhibit-53 seeking permission to lead evidence. The trial Court refused to entertain the said application.

4. Perusal of the reasons recorded in order impugned depicts that petitioner was the formal party in the suit as no relief is claimed against him. Petitioner was also aware about the said fact. He did not participate in the suit. He did not cross-examine witnesses examined on behalf of plaintiff and defendant nos.1 to 3. However, suddenly he wake up and made an application for setting aside the evidence closing order passed against him and sought permission to lead evidence. From averments of application, it is not discernible as to why the petitioner wants to lead the evidence.

5. In that view of the matter, this court finds no reason to interfere in the impugned order in exercise of writ jurisdiction. Hence, writ petition stands **rejected**.

(S. G. CHAPALGAONKAR, J.)

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