



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

WRIT PETITION NO.2534 OF 2026

PRABHAKAR S/O DOMAJI SHASTRI AND OTHERS
VERSUS
SAU. SHAKUNTALA W/O DEVIDAS MIRE AND ANOTHER

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. N.D. Khamborkar, Advocate for Petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 27th MARCH 2026

1. Heard learned Advocate for the petitioners.
2. The petitioners' challenge is to the order dated 26.02.2026, passed by the trial court, rejecting the application filed by the plaintiffs for discarding the evidence of defendants' witness.
3. Learned Advocate for the petitioners points out that the original defendants had earlier filed an application for permission to examine the son of defendant No.1 on her behalf. However, the said application was not pressed, and despite that, the evidence on behalf of the son of defendant No.1 was filed on record. He, therefore, submits that the evidence of son of defendant No.1 ought to have been discarded.
4. In view of this, issue notice to the respondents, returnable after three weeks.

5. The petitioners are permitted to serve the respondents by private mode, in addition to regular mode of service, including service on the learned Advocate appearing on behalf of the respondent/s before the trial court and file affidavit of service in that regard by next date.

6. In the meantime, any request for adjournment submitted by the petitioners before the trial court, be considered by the trial court favourably.

(PRAFULLA S. KHUBALKAR, J.)

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