

Mohd. Bahar Vs. Mohd. Safi

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Court : Madhya Pradesh

Decided On : Sep-19-2013

Appellant : Mohd. Bahar

Respondent : Mohd. Safi

Advocate for Def. : Shri. Sanjay Singh

Advocate for Pet/Ap. : Shri. P.K.Saxena

Judgement :

Writ Petition No.15949/2013 (I) 19.09.2013 Shri P.K.Saxena, learned counsel for the petitioners. Shri Sanjay Singh, learned counsel for respondent no.1.

Shri Amit Sharma, learned PL for respondent no.8.

Heard.

The petitioners/plaintiffs have filed this petition under Article 227 of the Constitution of India being aggrieved by the order dated 24.6.2013, passed by IIIrd Civil Judge, Class-I, Sidhi in Co.No.86-A/13, whereby their objection taken in examination in chief of the defendant -witness Anup Singh, on marking exhibit on some sale deed has been overruled and the respondents- defendants were permitted to mark exhibit on such documents as Ex.

D-1.

In the couRs.of arguments, in the available circumstances on asking the counsel that what error has been committed by the trial court in permitting the respondent to mark the exhibit on the aforesaid sale deed as exhibit D-1 in the deposition of aforesaid witness of Anup Singh when apparently as alleged he is an attesting witness of the execution of such document and the party has a right to examine the attesting witness in support of such document, on which instead to argue further, petitioneRs.counsel seeks permission to withdraw this petition as not pressed at this stage with liberty to challenge impugned order of the trial court permitting the defendants to mark exhibit on aforesaid document in the deposition of aforesaid witness subject to final judgment and decree of the trial court on arising the occasion in duly constituted appeal.

Considering the aforesaid prayer, this petition is hereby dismissed as withdrawn and not pressed with liberty, aforesaid.

There shall no order as to costs.

(U.C.Maheshwari) Judge bks

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