

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2222 OF 2014

Mr. Vinaykumar Anant Karmarkar .. Petitioner
V/s.

Mr. Madhav Atmaram Jalnapurkar .. Respondent

Ms. Jui Arvind Nerurkar, advocate for petitioner.
Mr. Sameer Madhav Jalnapurkar, power of attorney
holder of respondent, present.

CORAM : K. R. SHRIRAM, J.

DATE : 10th March, 2015.

P.C.

1. The writ petition is filed challenging the judgment passed by the District Judge, Pune whereby the Civil Revision Application of the petitioner came to be rejected. The petitioner's grievance is that the Trial Court admitted certain documents filed by the plaintiff/respondent. According to the petitioner, the said documents were not in the original plaint and the petitioner was also not given an opportunity to consider the document.

2. The petitioner has approached this court against interim order. Moreover, the counsel for the petitioner states that it was the respondents case for eviction of the petitioner that the petitioner had two other place of residence

whereas the document that has been admitted shows a third property also in the name of petitioner as petitioner's residence. The counsel for the petitioner also stated that it was the plaintiffs case that they found about the third address after the suit was filed.

3. The case of this plaintiff is to evict the defendants (petitioner) as the defendant had another place of residence. By these documents, the plaintiff is only substantiating their case. It is entirely upto the defendant/petitioner to cross examine the witness on these documents. Therefore, I see no reason why interference of this court is required. The petition therefore, stands rejected.

4. At the same time, the rights of the petitioner to raise all grounds of challenge, if, the Trial Court decrees the suit against the defendant, including the grounds raised in this petition, are kept open.

(K. R. SHRIRAM, J.)