

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

WRIT PETITION NO.1932 OF 2015

RanjitSingh Harnamsingh Gill & Ors.

..... Petitioners

Versus

Leelabai Shankarao Bhapkar & Ors.

..... Respondents

...

Mr. Anita Agarwal for the petitioners.

None for the respondents.

...

***CORAM : N. M. Jamdar, J.
Tuesday 23 August, 2016***

P. C.

. By this petition, the petitioners challenge order below Exh.118 in RCS No.432 of 2012 refusing permission to the petitioners / plaintiffs to reopen evidence of the petitioners.

2. Heard the learned counsel for the petitioners.

3. The evidence of the petitioners was closed after giving an opportunity to lead evidence. Almost for two years after the evidence was closed, and after the defendants filed their affidavit of evidence, the petitioners changed their advocate and cross examined one witness on 29 October, 2013 and thereafter, filed an application for reopening of evidence of the plaintiffs. The only reason that was given in the application is that the petitioners were

not aware regarding closure of evidence and there has been change of advocate. If the evidence is opened at this stage when the defendants have completed their evidence and the suit has substantially proceeded the prejudice is likely to cause to the defendants. Merely by making general allegations against the earlier advocate and mere change of advocate, such permission cannot be granted. The learned Civil Judge has rightly not extended such indulgence holding that principle of natural justice cannot be extended to those who are not vigilant and diligent. If overtly liberal approach is adopted, then no suit will get over within reasonable period adding to the chronic backlog of pending cases.

4. No case is made out for interference under Article 227 of the Constitution of India.

5. The Writ Petition is rejected.

(N. M. Jamdar, J.)