

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

**CIVIL APPLICATION NO.458 OF 2016
IN
WRIT PETITION NO.8757 OF 2014**

**Edward Koilpichal : Applicant/Petitioner
versus
The State of Maharashtra and anr. : Respondents.**

**Mr. A R Tripathi i/by Jeyarajanmuthiahs for the Applicant/Petitioner.
Mr. A R Metkari, AGP, for the Respondent No.1.**

**CORAM : R. M. SAVANT, J.
DATE : 2nd April 2016**

P.C.

1 The above Civil Application has been filed for modification of the order dated 24/11/2015 passed by this Court (R.M.Savant, J.) in the above Petition. By the said order this Court did not find fault with the order passed by Appellate Bench of the Small Causes Court, Mumbai dated 05/05/2014 and accordingly dismissed the Writ Petition. However, in the concluding part of the said order dated 24/11/2015 it has been observed as under :-

“However, it would be open for the Petitioner to accept the offer of inspection of the documents and take inspection by prior intimation to the Learned advocate for the Plaintiff.”

The above Civil Application has been filed on the ground that though this Court has observed to the effect mentioned in the said concluding part, the advocate for the Plaintiff has not granted inspection of the documents.

2 In my view, that cannot be a ground for seeking modification of the order passed by this Court dated 24/11/2015. It would always be open for the Applicant/Petitioner to point out the conduct of the Plaintiff to the Trial Court in not affording inspection of the documents and it is for the Trial Court to consider it appropriately. Hence no modification can be granted. The above Civil Application is accordingly rejected.

[R.M.SAVANT, J]