

Sequeira

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

WRIT PETITION NO. 12078 OF 2016

Apna Sahakari Bank Ltd.

.. Petitioner

Vs.

Shri Pravin Keshrimal Chauhan & ors.

.. Respondents

Mr.Arun Jadhav, for the Petitioner.

***CORAM : N.M.Jamdar, J.
Monday, 5 December 2016.***

Oral Order :

The Petitioner-tenant, Defendant in the suit bearing R.A.E.Suit No.722 / 1165 of 2011 instituted by Respondents-landlord, has challenged the order dated 21 August 2015 passed by the Small Causes Court, Mumbai permitting the Plaintiffs to file additional affidavit of evidence.

2. The learned counsel for the Petitioner submitted that having once stepped in witness box and produced certain documents thereafter permission could not have been granted to produce documents on record. The order passed is purely interlocutory. No position of law is shown that such course of action is impermissible during the course of trial. The learned trial Judge is fully empowered to pass such orders which in the opinion of the learned trial Judge are

in furtherance of interest of justice. As regards the contention of the learned counsel for the Petitioner that Respondents are trying to fill up lacunas in the evidence, the same contention is kept open to be urged during the course of hearing of the proceedings. With this clarification, the Writ Petition is disposed of.

(N.M.Jamdar, J.)