

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 2689 OF 2016

Mamta w/o Satish Battin
age 39 years, occ. medical practitioner
r/o Gavalipura, Nanded
Tq. & Dist. Nanded
Through her General Power of Attorney
Sayanna s/o Gangaram Battin
age 75 years, occ. pensioner
r/o Gangadham, Gavalipura,
Station road, Nanded
Tq. & Dist. Nanded.

.. PETITIONER

VERSUS

Bhikubhai s/o Sombhai Patel
age 66 years, occ. business
r/o Maganpura, Nanded
Tq. & Dist. Nanded.

.. RESPONDENT

Mr. H.I. Pathan, advocate for petitioner.
Mr. Gajanan Kadam, advocate for respondent.

=====

CORAM : S. B. SHUKRE, J.

DATE : 16th JANUARY, 2017.

ORAL JUDGMENT :

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent.

3. The order challenged in this petition is the one passed on 27th January, 2016, by the 6th Jt. Civil Judge, Junior Division, Nanded, rejecting the application of petitioner seeking leave of the Court to lead further evidence of the defendant.

4. Perusal of the application filed in this regard, copy of which is forming part of the paper book, Exh. 190, discloses that the application has been filed on the ground that the defendant i.e. petitioner has been deprived of the opportunity to conduct further examination-in-chief of her witness and that such evidence in the nature of further examination-in-chief relates to some explanation that the petitioner wanted to place on record which was that some of the documents filed by her, were essential to prove her case. Reply of the respondent filed in this petition which is supported by affidavit shows that ample opportunities were granted to the petitioner to lead her further examination-in-chief but, same were not availed of by her. No counter affidavit to contest these claims has been filed by the petitioner. Therefore, there is no substance in the ground taken in the application that the petitioner was denied 'chance' to conduct further examination-in-chief of her witness.

5. Even otherwise, the impugned order shows that ultimately, no prejudice is going to be caused to the petitioner. The reason being that the learned Civil Judge has categorically observed that all the documents are admitted in the evidence.

6. In this view of the matter, I see no merit in the writ petition and it deserves to be dismissed. Writ petition stands dismissed with costs. Rule is discharged.

(S. B. SHUKRE)
JUDGE