

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2763 OF 2016**

Shri Pravinkumar Jethalal Dave & Ors

..Petitioners

Vs.

M/s Hindustan Organisers Pvt Ltd

..Respondent

**Mr. S. N. Vaishnawa a/w Ms Nupur Mukherjee i/b N.N. Vaishnawa & Co.
for the Petitioners**

Mr. P. N. Patwardhan for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 3rd MAY, 2017

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 5-9-2015 passed by the Trial Court rejecting the application Exhibit 81 filed for review of the order dated 10-7-2012 passed on Exhibit 74. The said application Exhibit 74 was filed for discarding the evidence of D.W.1 Mahendrakumar Narangbhai Patel. The said application has been rejected on the ground that contention in that regard can be urged at the hearing of the suit and the same can be considered on merits whilst appreciating the evidence of the parties.

2 The Trial Court also observed that there is no provision in law for discarding the evidence of a witness and for giving him directions to file fresh affidavit of evidence. The Petitioner filed a Review Application seeking review

of the said order dated 10-7-2012 the Learned Judge having regard to the fact that the said order was passed after hearing the parties did not find any reason to review the said order and accordingly dismissed the Review Application being Exhibit 81.

3 In my view having regard to the reasons on which both the orders are founded, no case for the exercise of the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]