

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12758 OF 2017**

Shripati Sahadeo Patil	...Petitioner
<i>Versus</i>	
Dnyandeo Sakharam Gurav & Ors	...Respondents

Mr SS Redekar, *for the Petitioner.*
Mr Noman A Jafri, *for Respondent No.1.*

CORAM: G.S. PATEL, J
DATED: 28th November 2017

PC:-

1. Heard.

2. The Writ Petition is without merit. It is directed against an order of 27th October 2017 rejecting the Petitioner's application to recall himself to prove two documents earlier given the labels as Article 'Y' and 'Y1'. They were so marked because during the examination-in-chief of the Petitioner, original Defendant No.3, these documents were found to be insufficiently proved. That order is not an appealable order viewed from any perspective.

3. It seems that the 3rd Petitioner then proceeded with the trial. His examination-in-chief having being filed, he offered himself for

cross-examination. It was completed. The 3rd Defendant did not even until that stage impeach the order marking the two documents as Articles 'Y' and 'Y1'. It was only after the cross-examination of Defendant No.3 was over that he came to the conclusion that his evidence so far on record was insufficient to have those documents marked in evidence and therefore sought his "recall" as a witness to prove the documents.

4. The learned Trial Court Judge quite correctly said the Petitioner could not constantly improve his case and keep trying to prove the same material again and again in the same manner. It quite correctly rejected his application and held it to be entirely without merit. Indeed it was. So is this Writ Petition.

5. The Writ Petition is rejected. No costs.

(G. S. PATEL, J.)