

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

WRIT PETITION NO. 72 OF 2018

SUMANBAI BHAGWANRAO PARDE
VERSUS
M/S ONKAR BUILDERS AND DEVELOPERS PARBHANI
THROUGH ITS PARTNERS OMPRAKASH D SHUKLA
AND OTHERS.

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Advocate for Petitioner : Mr. Bagal Suraj R.

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CORAM : V.K. JADHAV, J.
Dated: June 11, 2018

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PER COURT :-

1. By way of this writ petition, the petitioner original plaintiff has challenged the order passed by the trial Court below exh.193 in Special Civil Suit No.17/2009. The petitioner/plaintiff has filed an application for correction of one sentence in her cross examination. According to the petitioner/plaintiff, her testimony came to be recorded vide exh. 128 and at page no.25 of exh.128, one line is incorrectly recorded as detailed in paragraph no.1 of the impugned order. According to the petitioner/plaintiff, said question was in the form of suggestion put up to the witness during the cross examination to which the witness denied, however, the

same has been inadvertently recorded in the answer form to a normal question.

2. On careful perusal of the answer recorded in the deposition exh.128, it appears that, even if answer is considered as it is, the same could not have been the answer to a question, if it was in the form of a suggestion. Furthermore, the petitioner/original plaintiff has filed aforesaid application exh.193 after lapse of four months. It is difficult when there happened to be a single recording, to verify such objection when the other side has strongly resisted the application. Furthermore, trial court has also observed by referring the pleadings of the parties that answer as recorded was not inadvertently recorded incorrectly.

3. In view of the above, I do not find any substance in this writ petition. Writ Petition is hereby dismissed. In the circumstances, no costs.

(V.K. JADHAV, J.)

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