

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

WRIT PETITION NO. 1545 OF 2018

Kantaram Bhiva Hargude & Ors.	...	Petitioners
V/s.		
The State of Maharashtra & Ors.	...	Respondents

- Mr.T.D. Deshmukh for the Petitioners.
- Ms.Geeta P. Sonawane, Addl. A.G.P. for Respondent Nos.1 & 2.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th MARCH, 2018.

P.C. :

1] Heard learned counsel for the Petitioner and learned Addl. A.G.P. for Respondent Nos.1 & 2 (State).

2] By this Writ Petition, filed under Article 227 of the Constitution of India, the Petitioners are challenging the order dated 7th December 2017 passed by the 5th Jt. Civil Judge Senior Division, Pune, below the Application at Exhibit-120 in Regular Civil Suit No.250 of 2011.

3] The Application at Exhibit-120 was filed by the present Petitioner, who is the Plaintiff before the trial Court, for seeking

permission to lead additional evidence in respect of the documents, like, the revenue record, which they have obtained subsequently after the closure of their evidence and now they want to prove the said documents.

4] The trial Court has, by passing the detailed and reasoned order, rejected the said application, finding that these documents were received by the Petitioners much earlier, even before their evidence was closed and now the Respondents/Defendants have also filed the evidence closed pursis.

5] In my considered opinion, no interference is warranted in the impugned order of the trial Court. It can be seen from the endorsement made on the documents the Certified copies of 7/12 extracts produced at Exhibit-117 that application for getting the copies was moved on 14th January 2015 and they were supplied to the Petitioners on 17th January 2015. Similarly, as regards the Certified copy of Mutation Entry No.5056, it was applied on 23rd September 2010; the copy was made ready on 25th October 2010. Whereas this application is filed on 20 November 2017 i.e. after the lapse of about more than two years. In such situation, the trial Court was perfectly justified in rejecting such application, in the absence of any explanation offered for permission to lead additional evidence in

respect of these documents at this delayed stage, when the suit is fixed for final argument. The impugned order passed by the trial Court, therefore being just, legal and correct; no interference is warranted therein.

6] The Writ Petition hence being without merit, stands dismissed.

7] At this stage, learned counsel for the Petitioners submits that, as all these documents are Certified Copies of 7/12 extracts and Mutation Entry, the trial Court may be requested to exhibit the same. The Petitioners are at liberty to make such request before the trial Court and the trial Court will decide the same in accordance with law.

[DR.SHALINI PHANSALKAR-JOSHI, J.]