

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

WRIT PETITION NO. 11266 OF 2017

Prafulkiran Purushottam Bokil	...	Petitioner
V/s.		
Vankaytesh Dhondu Kulkarni	...	Respondent

- Ms.Manjiri S. Parasnis for the Petitioner.
- Mr.Nitesh S. Nevshe for the Respondent.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 5th FEBRUARY, 2018.

P.C. :

1] Heard learned counsel for the Petitioner and the Respondent.

2] This Writ Petition is preferred against the order dated 30th August 2016 passed below Exhibit-105 and against the order dated 4th March 2017 passed below Exhibit-111 by 10th/11th Jt. Civil Judge Junior Division, Pune, in Regular Civil Suit No. 991 of 2006.

3] The First Application Exhibit-105 was filed by the Petitioner, who is Defendant in the trial Court for permission to lead evidence by setting aside 'evidence close' pursis.

4] Considering the reasons given by the trial Court in rejecting the said application, this Court does not find any ground to interfere therein. However, learned counsel for the Respondent fairly submits that, in order that the matter be decided on merits, he has no objection to allow the said application subject to imposition of heavy costs and with a direction to Court to decide the suit expeditiously.

5] Therefore, the order below Exhibit-105 passed by the trial Court is set-aside and the Petitioner/Defendant is granted permission to lead evidence subject to the costs of Rs.25,000/- (Rs.Twenty Five Thousand only) to be payable to the Respondent/Plaintiff within 15 days from the receipt of this order by the trial Court. On failure of the Petitioner to comply with the same, the order passed by this Court shall stand automatically vacated and the trial Court's order will stand revived.

6] As regards the second order passed by the trial Court below Exhibit-111, it was an application filed by the present Petitioner for bringing certain documents on record and for exhibiting those documents. In respect of these documents, the cross examination of the Respondent/Plaintiff goes to show that, he has admitted the correctness and the contents of all those documents produced at Lists

Exhibit-12 and 13.

7] In view thereof, learned counsel for the Respondent fairly concedes that he has no objection for exhibiting these documents. Accordingly, the order passed by the trial Court below Exhibit-111 is set-aside and the trial Court is directed to admit in evidence the documents produced at List Exhibit-12 and 13.

8] The Petitioner to extend his cooperation and not to seek adjournment before the trial Court. If the Petitioner co-operates, the trial Court may make an endeavor to expedite the hearing of the suit.

9] Writ Petition is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]