

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

WRIT PETITION No.7990 OF 2018

Suresh Yallappa Shetty

... Petitioner

Vs.

Brihan Mumbai Municipal Corporation

... Respondent

Mr.Amarendra Mishra for the Petitioner

Mr.Pradeep Patil for the Respondent – MCGM

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 25, 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. In this Writ Petition, the order dated 18.6.2018 passed by the learned Judge of the City Civil Court below exhibit 46 in L.C. Suit No.746 of 2011 refusing permission to re-examine the plaintiff, is challenged.
3. Learned Counsel for the petitioner has submitted that the witness is Kannada speaking and he did not understand Hindi and, therefore, he considered and took the word “construction” for the word “purchase” and he relied on the answers given by the witness

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in para 2 of his cross-examination. The learned Counsel submits that an opportunity is to be given to the plaintiff i.e., the witness to explain the ambiguity.

4. The learned Counsel for the Corporation opposed this petition.

5. Perused the impugned order and the cross-examination. There is no illegality in the impugned order. The order is well reasoned and no interference is called for. The trial Court to proceed on the next date.

6. Writ Petition is dismissed accordingly.

(MRIDULA BHATKAR, J.)