

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4788/2017

Tushar Hiralal Gupta
..Vs..
Prakash Babulalji Sahu and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 13.2.2018.

None for the petitioner.

The petitioner / original defendant has challenged the order passed by the trial Court by which the application (Exh. No.53) filed by him seeking review of the order passed on application (Exh. No.48) is dismissed. The petitioner / defendant has also challenged the order passed by the trial Court by which the application (Exh. No.48) filed by the respondent / plaintiff seeking permission to file document (agreement to sell / earnest note) on record is allowed. The objection on behalf of the defendant is that the document is filed at belated stage, after the commencement of trial and recording of evidence of plaintiff.

The learned trial Judge has recorded in the order dated 26th September, 2016 passed on application (Exh. No.48) that the document is relevant

for deciding the controversy in issue. It cannot be said that the learned trial Judge has transgressed his jurisdiction by allowing the plaintiff to produce document on record. The learned trial Judge has rightly rejected the application (Exh. No.53) observing that the defendant has not been able to point out any error apparent on the face of record which necessitates the exercise of review jurisdiction. I do not see any reason to interfere in the matter. The writ petition is **dismissed**. No costs.

JUDGE

Tambaskar.