

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

WRIT PETITION NO. 11472 OF 2019

Premkumar Ramesh Bhatia	...	Petitioner
V/s.		
Mrs.Sonia @ Sunita Premkumar Bhatia	...	Respondent

Mr.A.P. Kulkarni for Petitioner.

CORAM : A.S. GADKARI, J.

DATE : 13th November 2019.

PC. :

1] By the present Petition under Article 227 of the Constitution of India, the petitioner has taken exception to the Order dated 16th August 2019 passed below Exhibit-82 in H.M.P No.177 of 2015, thereby rejecting the said application preferred by the petitioner for allowing him to adduce further evidence.

2] Heard Mr.Kulkarni, learned counsel for the petitioner. Perused the record.

3] The record indicates that, the petitioner has filed the aforestated Marriage Petition for divorce under Section 13 of the Hindu

Marriage Act. That the petitioner has already examined witnesses in support of his case and on 6th February 2018 filed evidence closure pursis below Exhibit-42 before the Trial Court. The petitioner subsequently filed the present application below Exhibit-82 on 16th August 2019 for adducing further evidence in support of his case. The record further clearly indicates that, sufficient opportunity was granted to the petitioner to adduce evidence in support of his case and it appears from record that, the petitioner has produced the said evidence and subsequently filed evidence closure pursis before the Trial Court. If the petitioner is now permitted to adduce further evidence, it will undoubtedly cause prejudice to the respondent, as the respondent has already adduced her evidence and cross-examined the witnesses of the petitioner. The admissions given by the petitioner and/or his witness(s) may perhaps be get affected. At such a belated stage, the application of the petitioner to allow him to adduce further evidence cannot granted. The Trial Court has rightly rejected the said application by the impugned Order.

4] In view thereof, I find no merits in the Petition.

Petition is accordingly rejected.

[A.S. GADKARI, J.]