

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

WRIT PETITION NO.4004/2017

Shilpa D/o Dindayal Mankar
..Vs..
Mrs. Priti W/o Suresh Sipani and others

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

Court's or Judge's orders

Shri S.A. Mohta, Advocate for the petitioner.
Shri M. Anilkumar, Advocate for respondent No.1.

CORAM : Z.A. HAQ, J.

DATED : 26.6.2019.

Heard.

As the trial of civil suit, filed by the respondent No.1 progressed and recording of evidence of witnesses of plaintiff and defendant was over, defendant No.1(c) produced certain documents and then the plaintiff filed application (Exh. No.151) seeking permission to examine himself to clarify certain facts about those documents. This application is allowed by the impugned order. According to the defendant No.1 / petitioner, the documents which are produced on record by her are public documents and plaintiff is supposed to be aware of those documents and, therefore, opportunity to clarify facts about those documents as claimed by the plaintiff, is not required to be given to her. Learned trial Judge has observed that clarification of facts about the documents produced by defendant No.1(c) will assist the Court in deciding the controversy. I find that the learned

trial Judge has rightly allowed the application (Exh. No.151) filed by the plaintiff considering the facts of the case and keeping in view the provisions of Order 18 Rule 17 of the Code of Civil Procedure. It cannot be said that the learned trial Judge has committed any error of jurisdiction which necessitates interference by this Court in the extra-ordinary jurisdiction.

Hence, the writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE