

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13956 OF 2017

Vinod Balkrushna Karangutkar .. Petitioner
Versus
Chief Officer Uran Municipal Council .. Respondent

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Mr. Rohit D. Joshi for the petitioner.
Mr. S.B. Shetye for the respondent.

CORAM: BHARATI DANGRE, J.
DATED : 4th MARCH 2020

P.C:-

1 The order dated 28th November 2017 passed by the Civil Judge, Junior Division, Uran on Exhibit 48 and 49 is the subject matter of the present writ petition.

2 The sequence of events would reveal that in the year 2008, the plaintiff filed a Suit raising a challenge to the notice issued by the respondent Uran Nagar Palika dated 27th December 2007. After a decade, the evidence of the plaintiff was closed on 11th July 2017 and the Nagar Palika respondent also closed its evidence.

3 Out of blue moon, two applications came to be filed on 18th September 2017 and 11th September 2017 respectively. By the first application, what was sought was recall of the pursis filed for closure of evidence by the plaintiff and what was sought by Exhibit-49 is placement of certain additional documents. The first application Exhibit 48 came to be rejected by the impugned order on a simple reason i.e. there was no pursis ever filed by the plaintiff closing his evidence and therefore, there is no question of recalling the said pursis.

4 As far as the second application i.e Exhibit 49 is concerned, the Court on perusal of the said application noted the fact that the suit is as old as 2008 and sufficient opportunity was afforded to the plaintiff to produce his evidence. He had cited one witness and the two applications are instituted after the arguments of respondents are over. Recording that the documents which are sought to be placed on record vide Exhibit-49 would not change the course of the adjudication since what was attempted to be placed on record was a certified copy of a document disclosing that at the time when the impugned notice was issued, in the register of the Municipal Corporation, the name of the plaintiff was not recorded as the owner.

5 On perusal of the civil suit, copy of which is placed on record at Exhibit-A in paragraph no.1, the case pleaded by the

plaintiff is that he had purchased the suit property from Smt. Meena Srikrishna Diwadkar, Smt. Kishori Mhatre and the description of the property is also specifically mentioned to as the suit property.

6 In such circumstances, the Civil Judge, Jr. Division has rightly refused entertaining the belated application with the only objective to delay the proceedings particularly when the suit was filed in the year 2008 and this document was not determinative of the claim raised by the plaintiff in the suit.

7 No illegality being passed in the impugned order, the present writ petition deserves a dismissal and is accordingly dismissed.

SMT. BHARATI DANGRE, J