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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3537 OF 2022

Ashish Alias Ashutosh Shamkant Shukl

PETITIONER

VERSUS

Bhushan Ramdas Chaudhary and Others

RESPONDENTS

.....
Mr. A. P. Bhandari h/f Mrs. P. A. Bhandari, Advocate for petitioner
Mr. V. B. Patil, Advocate for respondent No.1
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th MARCH, 2022

ORDER :

1. The petitioner is aggrieved by the order passed by the learned 5th Joint Civil Judge, Senior Division, Dhule below Exhibit-171 in Special Civil Suit No. 89 of 2013, thereby rejecting the application of the petitioner-defendant to recall the plaintiff for the purpose of further cross-examination.
2. Heard learned advocates for the parties at length. Perused the record.
3. Admittedly, as the defendant failed to comply the directions of the Trial Court issued in order dated 16th August, 2021 below Exhibit-140, the defendant's additional written

statement, in the form of counter claim, was rejected under Order VII, Rule 11 of the Civil Procedure Code. The issues framed in that behalf are also deleted. Therefore, after filing of the additional written statement by the defendant – petitioner, no additional material is brought on record by the plaintiff. Since the plaintiff has not opted for giving additional evidence, after filing of additional written statement and as the plaintiff is cross-examined at length by the defendant-petitioner, there is no reason to recall the plaintiff for further cross-examination.

4. The Trial Court has passed a reasoned order while rejecting the application filed by the defendant-petitioner for recall of the plaintiff for further cross-examination. There is no illegality or perversity in the order impugned in the present writ petition. No case is made out by the petitioner to exercise extraordinary writ jurisdiction. Writ petition is, therefore, dismissed. Interim relief, if any, stands vacated.

[NITIN B. SURYAWANSHI]
JUDGE