

SA Pathan

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

WRIT PETITION NO.10112 OF 2023

Ashok Tatoba Magdum

... Petitioner

V/s.

Tejubhai Isardas Lalwani

... Respondent

SHABNOOR
AYUB
PATHAN

Digitally signed by
SHABNOOR AYUB
PATHAN
Date: 2023.08.21
17:43:07 +0530

Mr. Dhairyasheel Sutar a/w Mr. Kiran G Kulkarni, for
the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 21, 2023

P.C.:

1. By the impugned order, the Trial Court in a suit for recovery of amount has permitted plaintiff to lead oral evidence in relation to a document which according to plaintiff, was necessary for decision in a suit.

2. Though the Trial Court had allowed the application after the suit was fixed for judgment, no prejudice would be caused to the petitioner, if such power is exercised by the Trial Court as ultimately procedural rights are meant to meet the ends of justice. The prejudice caused to the petitioner is taken care of by clause (3) of the order by permitting the plaintiff to cross-examine the said witness.

3. Considering the fact that substantial justice is done by the impugned order, no interference under Article 227 of the

Constitution of India is called for.

4. The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)