

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 6828 OF 2023**

Rakesh Jethva

...Petitioner

Versus

Municipal Corporation of Greater Mumbai and ors.

...Respondents

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Mr. Dharam Jumanji a/w Mr. Arvind Giriraj a/w Ms. Kavita Sharma a/w
Ms. Mani Thevar i/b Ganesh and Company for the Petitioner.
Mr. R. Y. Sirsikar for the Respondent No. 1 - MCGM.

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CORAM : N.R. BORKAR, J.

DATED : 16 JUNE 2023

P.C. :-

1. The petitioner/ plaintiff has filed the suit for declaration and injunction. At the stage of final argument, the respondent/ defendant has filed the application dated 5 December 2022 seeking permission to produce certain documents on record.

2. The trial Court by order dated 8 March 2023, which is impugned in the present petition had allowed the production of the said documents and even they are ordered to be exhibited/ admitted in the evidence.

3. The learned counsel for the petitioner submits that the application was moved with intent to fill up the lacuna in the evidence of the respondent/ defendant and therefore the trial Court ought not to have

allowed the said application. In the alternative, it is submitted that the permission be granted to further cross-examine DW- 1 Ashwini Ashok Jog.

4. Considering overall facts and circumstances of the case, permission is granted to the petitioner of further cross-examination. For that purpose, the trial Court shall recall DW- 1 and shall permit the petitioner to cross-examine her.

5. The Petition is disposed of in aforesaid terms.

(N.R. BORKAR, J.)