

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1352 OF 2022

Sanghavi Premises Pvt. Ltd.

...Petitioner

Versus

Dinesh Giga Wagh

...Respondent

Mr. Pramod N. Patil a/w Mr. Ajit Hon i/by PNP and Associates for the Petitioner.

Mr. Jitendra Shukla i/by Ms. Madhuri Ravindra Raibagkar for the Respondent.

CORAM : N.R. BORKAR, J.

DATED : 4 SEPTEMBER 2023

PC. :

The respondent herein has filed the suit against the petitioner for declaration.

2. By the order impugned, the Small Causes Court (Appellate Bench) has allowed the Civil Revision Application filed by the respondent against the order passed by the trial Court, by which the application filed by the respondent to lead further evidence was rejected.

3. The learned counsel for the petitioner submits that the Small Causes Court (Appellate Bench) erred in allowing the Civil Revision

Application which was not even maintainable. It is further submitted that even though the alleged evidence was very much available even prior to the filing of the suit, however, the application was filed only after the evidence of both sides was over. It is submitted that the trial Court was therefore right in rejecting the application. In support of the submissions that Civil Revision Application was not maintainable, the learned counsel for the Petitioner has relied upon the judgment of this Court in Bhartiben Shah vs. Gracy Thomas and Ors. reported in 2013(2) Mh.L.J.

4. It is not the case of the petitioner that alleged further evidence which the respondent wants to adduce is irrelevant for the purpose of deciding the controversy between the parties. I am therefore, not inclined to entertain the present petition. The petition is dismissed.

(N.R.BORKAR, J.)