

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.3850 of 2022

Akash S/O Jinendra Brahmkar Vs Nagar Parishad Yavatmal Thr. Chief Officer

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.R. Dawda, Advocate for the Petitioner/s
Shri S.C. Bhalerao, Advocate for the respondent-sole

CORAM : ANIL S. KILOR, J.
DATED : 26.07.2023

1. Heard.
2. In a suit for recovery, after the arguments made in part, the application was made under the Right to Information Act and on obtaining certain documents, filed the same on record with the permission of the Court and thereafter, applied for permission to lead evidence to prove the said documents, which came to be rejected vide impugned order dated 10.06.2022, the same is the subject matter of this writ petition.
3. Admittedly, the suit was filed on 13.08.2020. The petitioner filed an evidence close pursis on 16.12.2021. Thereafter, on 17.02.2022 he received certain documents under the Right to Information Act which were filed on record on 11.04.2022 and thereafter, on 10.06.2022 filed an application for permission to lead the evidence to be proved the documents.
4. The learned trial Court has rejected the application on the ground that such documents were obtained and filed on record

and permission is sought to lead evidence when the matter was on the half way of the final argument.

5. There is no justification provided by the petitioner for not applying for those documents before or immediately after filing of the suit. Even there is no explanation that after obtaining those documents, why the application was not moved immediately for filing of those documents on record and to lead evidence.

6. Thus, considering the above referred dates of events and the fact that after initiation of the arguments, at the belated stage the application was moved without giving any sufficient justification, I do not find any error committed by the learned trial Court in rejecting the application. Accordingly, it is **dismissed**.

[ANIL S. KILOR, J.]