

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

WRIT PETITION NO. 5963 OF 2019

Sangita Murlidhar Andurekar__ Vs. __ Narottam Laxmanrao Burje and anr

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.V.Bhide, Advocate for Petitioner

CORAM : AVINASH G. GHAROTE, J.
DATE : 02/03/2023

1] Heard Mr. Bhide, learned counsel for the petitioner.

None for respondent, though served.

2] The petition challenges the order below Exh.84, dated 18.7.2019, whereby the application for examining witnesses by the petitioner/plaintiff has been rejected.

3] On instructions, Mr. Bhide, learned counsel for the petitioner states that there is no list of witnesses filed on record on behalf of the plaintiff. The evidence of the plaintiff was recorded and completed on 27.8.2018 (pg.66), subsequent to which a closure pursis was filed at Exh. 73 closing the side of the plaintiff. The application below Exh.84 quotes the reasons for need to examine further witnesses on the part of the plaintiff, as the change of counsel. No other reason is quoted. (pg.67).

4] I am afraid, the change of counsel cannot be a ground to revert the matter back to the stage of evidence of the plaintiff, after the closure pursis has been filed. That being the position, I do not see any reason to interfere in the impugned order. The petition is dismissed. No costs.

JUDGE

Rvjalit