

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15910 OF 2024

Bhausahab Sakharam Pagare

... Petitioner

vs.

Santu Uttam Pagare and Ors.

... Respondents

Mr. Ajinkya Vilas Taskar i/b. Mr. Narayan Rokade :	Advocate for Petitioner.
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CORAM : S. M. MODAK, J.

DATE : 3rd DECEMBER 2024

P. C. :-

1. Heard learned Advocate for Petitioner. Though Plaintiff has not filed pursis of closing of evidence, after the Defendant gave evidence, Plaintiff cross-examined him. Even earlier evidence of Plaintiff's witness Sakharabai was recorded and completed on 5th November 2022. Learned Advocate for Plaintiff applied for certified copies from Revenue Department. This correspondence is at page No.35 onward.
2. On this ground he applied to the trial Court for giving an

additional evidence vide Application dated 8th August 2024. It was rejected on 9th August 2024. After reading that Application and going through the papers, I do not find that the Writ Petition need to be entertained. This Application was filed on 8th August 2024 belatedly even after the Defendant has closed the evidence.

3. Just because Plaintiff has not given pursis to close his evidence, it does not mean that he gets a right to give additional evidence. Such liberty can be given only when case is made out. The documents which sought to be collected ought to have been collected earlier also. The Suit is of the year 2017. Just because the Petitioner is Senior Citizen, no indulgence can be given. Hence, the following order :

ORDER

- (i) Writ Petition is dismissed.
- (ii) On humanitarian ground, cost imposed by the trial Court is waived on oral request.

[S. M. MODAK, J.]

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