

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11081 OF 2025

Mathurabai Ganeshram Pardedeshi
Through Her Poa Navneet PardeshiPetitioner

Vs.

Bharati Ramesh NandimathRespondent

Mr. Asmita Killedar with Mr. Milind Deshpande, for the Petitioner.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 21st November 2025

PC.:-

1. This Writ Petition takes exception to order dated 3rd May 2025 passed by Civil Judge, Senior Division, Solapur below exhibit-78 in Regular Civil Suit No.761 of 2017.

2. The Petitioner is Plaintiff in suit. The evidence of Plaintiff has been recorded through Court Commissioner and she has been cross examined. Her evidence is concluded on 28th April 2019. Thereafter, Plaintiff filed evidence affidavit of other witnesses in the year 2022. However, on 31st July 2022, pursis was filed stating that she do not want to proceed with said witnesses. Thereafter, matter was posted for further evidence of Plaintiff, but plaintiff remained absent.

Eventually, Trial Court closed evidence of Plaintiff. Thereafter, Defendant filed her evidence affidavit and matter is presently at the stage of cross-examination.

3. At this stage, Plaintiff filed an Application Exhibit-78 for reopening of evidence by setting aside order closing her evidence and permission to lead further evidence.

4. Learned counsel appearing for Plaintiff submits that Plaintiff wish to record evidence of her power of attorney holder. The closure of evidence has caused serious prejudice to the right of Plaintiff. The present suit is filed for recovery of possession of immovable property, therefore, one more opportunity needs to be given to Plaintiff.

5. Although notice of this Writ Petition has been served upon Respondent, none appears. Looking to conspectus of matter and nature of controversy, it is desirable to grant Plaintiff sufficient opportunity to lead evidence. Although record indicates that Plaintiff recorded her evidence in the year 2019 and several opportunities were granted to her to lead further evidence until Trial Court passed order closing evidence on 26th September 2024, this Court finds that

one more opportunity can be granted to Plaintiff by putting certain conditions and, subject to payment of costs to the Defendant.

6. In result, Writ Petition is party **allowed**. The Impugned order passed below exhibit-78 is quashed and set aside. The Application exhibit-78 is allowed, subject to condition that Plaintiff deposits costs of Rs.5,000/- to be paid to Defendant.

7. The Petitioner/Plaintiff shall be at liberty to adduce oral evidence within a period of eight weeks from today, however shall not seek further extension of time. Writ Petition stands disposed of in aforesaid terms.

(S. G. CHAPALGAONKAR, J.)