



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5598 OF 2024

Prashant Prakash Dudhkohale and others
VS.

Sou. Indubai Shankarrao Mogare and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. R.M. Pande, Advocate for the petitioners.

Mr. Omkar R. Deshpande, Advocate for respondent Nos.1 to 3.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 12.08.2025

Heard counsel for the petitioners and counsel for the respondents.

2. The challenge is raised to the common order dated 08/05/2024 in Special Civil Suit No.25/2015 rendered by the Trial Court rejecting the applications presented by the petitioners herein to produce documents so also to file additional affidavit of examination-in-chief.

3. The Trial Court considered the fact that the suit has already reached to the stage of evidence after pleadings are over and framing of issues. As such application is presented at a belated stage. Further finding is rendered by the Trial Court that in absence of pleadings in relation to the those documents, in the written statement, such request cannot be considered.

4. Upon perusal of the application presented it is

unequivocally stated that the petitioners were trying to fill in the lacuna which cannot be permitted. The attempt is made to place documents on record those are not even pleaded in the written statement. As such, same is contrary to Order VIII Rule 1 of the C.P.C. Therefore, no error is committed by the Trial Court while rejecting both the application. Since, the suit is of the year 2015 Trial Court is directed to conclude the suit on or before 31.01.2026.

5. Writ petition is **dismissed**. No order as to costs.

(SACHIN S. DESHMUKH, J.)

Manisha