

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3506 OF 2026

Shri Guruprasad Chidamber Shetty. ...Petitioner.

Versus

Shri Jagroop Mahavir Singh (since deceased ...Respondents.
through legal heirs & representatives & ors.

Mr. Pradeep Thorat a/w. Ms. Aditi Naikare, Advocate for the
Petitioner.

Mr. Bhavin Gada a/w. Mr. Deepak Shukla, Mr. Praveen Mourya
& Ms. Shweta Thakur i/b. BNS Legal, Advocate for Respondent
Nos. 1 and 2.

Mr. Aniesh S. Jadhav, a/w. Mr. Shyam Singh, Advocate for
Respondent No. 3 – MHADA.

Mr. Santosh Parad, Advocate for Respondent-BMC.

CORAM: N. J. JAMADAR, J.

DATE : 24th MARCH 2026

P.C.:

- 1.** Heard the learned Counsel for the Petitioner.
- 2.** The challenge in this Petition is to an order dated 17th
February, 2026, whereby the learned Judge, City Civil Court has
dismissed the Notice of Motion No. 6772 of 2025, taken out by the

Petitioner/the Applicant in Notice of Motion No. 2588 of 2015, to file an additional affidavit in support of the said Notice of Motion.

3. By an order passed by this Court in Writ Petition No. 755 of 2026 dated 20th January, 2026, in which an order passed by the learned Judge, City Civil Court on 30th September, 2025 in the very Notice of Motion No. 2588 of 2015, was assailed, this Court had requested the learned Judge, City Civil Court to decide the Notice of Motion as expeditiously as possible, and, preferably within a period of 4 months from the communication of the said order.

4. By the impugned order, the learned Judge, City Civil Court rejected the Notice of Motion seeking permission to file an additional affidavit in support of the said notice of motion, finding substance in the submissions made on behalf of the Respondent – Decree holder that the said Notice of Motion was taken out to further delay the disposal thereof.

5. Mr. Thorat, learned Counsel for the Petitioner submits that, the Petitioner had already filed an affidavit of evidence on 23rd February, 2026, which contains the statements with regard to the prayer for setting aside the ex-parte decree passed against the

Petitioner. The said affidavit of evidence has been taken on record and the cross-examination of the deponent has already commenced.

6. In these circumstances, when the affidavit of evidence has been filed and the cross-examination of the deponent has commenced, at this stage, there is no propriety in entertaining the prayer for filing further affidavit in support of the Notice of Motion, which was taken out in the year 2015. Suffice it to clarify that, the learned Judge, City Civil Court shall decide the Notice of Motion No. 2588 of 2015 on the basis of the available pleadings and evidence adduced by the Petitioner and further evidence to be adduced by the Petitioner and the Respondents, in accordance with law.

7. Writ Petition is disposed.

8. All contentions of the parties with regard to the admissibility of, and weight to be attached to, the evidence, are kept open for determination by the trial court.

[N. J. JAMADAR, J.]