

Order below Exh.189 in RCS No.101/2018

By this application defendant No.1 has requested for granting permission to adduce additional evidence of its witness namely Smt.Sucheta Shashikant Shinde, already examined as DW No.1 at **Exh.185**, on the grounds mentioned in the application. The contents of application in short are:- That defendant No.1 has examined its witness at **Exh.181** and after conducting her cross-examination the defendant No.1 had obtained some important documents in respect of present dispute. Therefore, it is necessary to permit defendant No.1 to adduce additional evidence of its witness. Hence, the application.

2. Plaintiff has filed his say and raised strong objections on several grounds. Perused application and say. Heard Ld. Adv.Shri. S.S. Shaikh for defendant No.1 and Ld. Adv.Shri. Kale for plaintiff. Record shows that the application filed by defendant No.1 at **Exh.178** for granting permission to adduce its evidence came to be allowed by order dated 02/03/2026 and accordingly, the evidence of Smt. Sucheta S. Shinde came to be recorded at **Exh.185**. On 06/03/2026 her further chief-examination came to be recorded and for the reasons mentioned in the deposition, some of the documents filed by defendant No.1 were not exhibited. Her cross-examination came to be recorded on the same day and during course of her cross-examination, she has given some material and important admissions.

3. It was the duty of defendant No.1 to tender all the documentary evidence available in its custody at the time of recording further chief-examination of Smt. Sucheta S. Shinde at **Exh.185**. By filing this application it appears that defendant No.1 is trying to fill up the lacunae which came on record during the cross-examination of Smt. Sucheta S. Shinde at **Exh.185**. I fail to understand why the documents, of which production is now sought by way of adducing additional evidence, were not produced at the time of filing of affidavit of chief-examination of Smt. Sucheta S. Shinde at **Exh.185**. By allowing the application serious prejudice will be caused on plaintiff. Besides, there is no satisfactory reason mentioned in the application as to why the documents could not be produced at the time of filing of affidavit of chief-examination of Smt. Sucheta S. Shinde at **Exh.185**. To say the least, from the conduct of defendant No.1 it seems that it is not serious

in proceeding with the matter and is taking the entire Court proceedings for granted. For these reasons, I pass following order :-

ORDER

1. Application is rejected.
2. No order as to costs.

Date : 10/03/2026

(Ashish B. Marlecha)
Civil Judge Senior Division,
Shrirampur, Dist. A.Nagar.