

MHTH010066052018



Order Below Exh.60 in M.A.C.P No.557/2018

Perused the application filed by opponent No.2 and say filed by the claimant on the application itself.

2. Heard both sides.

3. Present application is filed to recall witness No.5 of the claimant. It is the contention of the opponent No.2 that the claimant has continued to file Income Tax Returns after the assessment year 2017-18 till today. So the opponent No.2 prays to recall the witness with a direction to bring all the details of Income Tax Returns for assessment year 2017-18 to 2023-24.

4. The claimant has strongly objected the application. He has contended that the Income Tax officer was examined on 04/10/2024. At that time fare chance was given to the opponent No.2 to examine the witness. The claimant has closed his evidence on 24/01/2025. Since then the matter is pending for evidence of opponent No.2. Present application is filed to prolong the matter. Hence, the claimant prays to reject the application.

5. I have perused record before the court. The claimant has examined Income Tax Inspector Shri. Pagare at Exh.55 as witness No.5. The opponent No.2 has cross examined the witness at length. The witness has stated in the cross-examination that he has to check whether this particular assessee has filed Income Tax Returns after

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2017-18 till date. As per the contention of opponent No.2 it is learnt to then that the claimant has continued to file Income Tax Returns after A.Y. 2017-18. The opponent No.2 has not told source of information about the same.

6. Admittedly, the claimant has closed his evidence on 24/01/2025. The petition is filed in the year 2018. Present application is filed on 22/07/2025. The opponent No.2 has opportunity to issue witness summons for production of Income Tax Returns of the claimant for A.Y. 2017-18 to 2023-24. There is no necessity to recall witness No.5 for production of Income Tax Returns. This is nothing but wasting valuable time of the court. Hence, the order-

**ORDER**

Application is rejected with costs.

Thane.

Date : 18/11/2025.

(R.V. Mohite)

Member, M.A.C.T., Thane.