

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL NO. 20 OF 2009

N. Anjanaiah	Versus	.. Appellant
Shrikant s/o. Vishwanath Puranik		.. Respondent

Mr. N. Anjanaiah, Appellant-in-person present.
Mr. R.B. Deshmukh, Advocate for sole respondent.

**CORAM : A.V. NIRGUDE, J.
DATED : 31.07.2015**

P.C. :-

1. The appellant-in-person is present. He has denied legal help, which was provided to him earlier. I asked him whether he wants remand of the case on the ground that neither he cross-examined the respondent/plaintiff's witnesses nor he himself recorded any deposition of his own. This means that the suit was decided almost ex-parte. It also appears that the appellant is reluctant to engage advocate. He is not an advocate himself. So, he is not aware of the procedure of the Court. He is apparently not aware that the decree is passed against him in the Trial Court as well as in the Appellate Court. Unless he could contest the suit on merit at the trial stage, he would not be able to oppose the suit on merit. At this stage, from his submissions, it seems that he wanted me to see some documents in support of his case. He is not aware that new evidence,

which is not brought on Lower Court's record, is not permissible at Second Appeal stage. I am unable to convince him that the submissions he is trying to make are erroneous. I even suggested to him that the case could be remanded back to the Trial Court. To this also, he is not agreeable. I felt helpless. He could not make any submissions which would give rise to any substantial question of law. There is practically no substantial question of law because the entire evidence recorded by the plaintiff had gone unchallenged on record. So, at this stage, I have no other alternative, but to dismiss the appeal. The Second Appeal stands dismissed.

2. The appellant was trying to submit some documents before the Court. But, since the appeal is pending since 2009 and since the appeal memo is annexed with the judgments of the Courts below, I do not think, new documents are required to be brought on record. Therefore, I refuse permission to produce anything on record to the appellant.

3. Earlier orders of costs stand withdrawn.

[A.V. NIRGUDE, J.]