IN THE HIGH COURT OF BOMBAY AT GOA

MISC CIVIL APPLICATION NO. 76 OF 2010

AND

MISC CIVIL APPLICATION NO. 77 OF 2010

Mast. Junaid Admani,
minor, student, through his uncle
and guardian Shri. Mohammad Iqbal
Mohammad Yusuf Admani, major,
married, businessman, resident of
House No.1543, Yusuf Manzil,
2nd Vidyanagar, Aquem, Margao, Goa **… Applicant.**

Versus

1. Shri. Sitaram Ganpat Kande,
major, Driver, s/o Ganpat Kande
r/o Kerevade Sidache Shet, Kudal
Taluk, Sindhudurg, Maharashtra
2. Shri. Rajkumar K. Gidhwani,
s/o K. Gidhwani, major,
r/o Dwarkadas Raw Mills, Post Murbao
Room No. (2), Manaka Society,
Ulhasnagar – 3, Thane,
Maharashtra 421 003.
3. National Insurance Co. Ltd.,
Divisional Office, 15, Sterling Cinema
Bldg., 3rd Floor, 65, Murzban Road,
Fort, Mumbai, 400 001.
4. Shri. Kiran Ravinder Samant
major, r/o Sai Sadan, At Post
Pali, Taluka & Dist. Ratnagiri
Maharashtra. **… Respondents.**

Mr. A. R. Kantak, Advocate for the applicant
Mr. E. Afonso, Advocate for the respondents.

Coram :- K. L. WADANE, J.

Reserved on :- 17 April 2015.

Pronounced on :- 09 June 2015.

ORDER :

Present application filed by the applicant for permission to adduce additional evidence as per the provisions of Order 41 Rule 27 of Civil Procedure Code and it is contended that in the accident both parents of the applicant i.e. mother and father died. At that time the applicant was aged about only 3 years and was unable to understand anything as regards the case and also is not aware of any of the affairs of his parents who died in the accident. The claim petitions were filed by the grandfather of the applicant, who also died during the pendency of the proceedings. Thereafter, the proceedings were conducted by his uncle on the basis of whatever the document were available.

2] Both the claim petitions filed by the applicant were decided. Thereafter, another uncle of the applicant then took the file to his advocate. After going through the files he opined that the record be obtained from the office of income tax relating to the I.T. Returns submitted by the parents of applicant. Thereafter the copies of the relevant records are obtained i.e. the copies of the income tax return dated 31/03/2004, 31/03/2005 and 31/05/2006.

3] According to the applicant, these documents are very vital and important to determine at the income of the deceased parents. Therefore, the petitioner prayed to permit such documents to be produced in evidence.

4] I have heard the arguments of Mr. A. R. Kankat, learned Advocate for the applicant and Mr. E. Afonso, learned Advocate for the respondents. Perused the copies of the relevant documents sought to be produced as the additional evidence.

5] On the face of the record it appears that, income tax returns along with Form No. 2D are submitted for the assessment year of 2004-2005, 2005-2006 and 2006-2007. Those forms are stated to be filled by the parents of the applicant namely Mohammad Sadiq and Tahaseen Mohammad Sadiq. Form No. 2D are coupled with the statement of account relating to the profit and loss of a business named and styled as 'Noor Selection'. On the case of the record it appears that, these documents are relating to Income Tax Returns showing their income. Therefore in the interest of justice one opportunity has to be given to the applicant to produce all the relevant documents relating to the earning of his parents.

6] Hence, the applications are allowed and the production of the documents / evidence is allowed.

7] Applications are disposed of accordingly.

K. L. WADANE, J.

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