

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3353 OF 2014

Jaysing Pandurang Shinde (Deceased)	]	
Through L.R.s.	]	... Petitioners
Versus		
Sadashiv Kondibe Bhogaonkar (Deceased)	]	
Through L.R.s.	]	... Respondents

Mr. Amit B. Borkar for Petitioners.

CORAM :- M. S. SONAK, J.

DATE :- JULY 20, 2015

P. C. :-

There is no reason to interfere with the impugned order. However, the Petitioners seek leave to file an application under Order 41 Rule 27 of CPC and further state that the Petitioners will not insist upon leading any oral evidence or upon a remand to the trial Court. If this be the position, the trial Court to consider Petitioners' application under Order 41 Rule 27 of CPC, if the same is made within four weeks from today. Such application, shall obviously have to be considered on its own merits and in accordance with law as laid down by the Hon'ble Apex Court in the case of *Union of India Versus Ibrahim Uddin and Another*¹. Further, in deciding the application under Order 41 Rule 27 of CPC, the trial Court need not be influenced by any observations made in the impugned order. With the aforesaid observations, this petition is disposed of.

(M. S. SONAK, J.)

¹ (2012) 8 Supreme Court Cases 148