

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10937 OF 2014

Suvarna wd/o Vijay D. Mandanekar & Ors.	..	Petitioners
VS.		
Narendra B. Mantri	..	Respondent

Mr. Kunal Bhanage with Mr. J. S. Yadav i/b. Mr. R. R. Tiwari for
Petitioners.
Mr. G. N. Salunkhe for Respondent.

CORAM : M. S. SONAK, J.
DATE : 08 JULY 2015

P.C. :-

- 1] This petition is being disposed of with the consent of and on the basis of an agreed order.
- 2] The petitioners shall within one week from today file an application under Order 41 Rule 27 of the CPC before the appellate bench of the Small Causes Court seeking leave to adduce additional evidence in appeal. It is agreed that the same will include basically evidence, which the petitioners had applied for production by means of applications at Exhibit 34 and Exhibit 36.
- 3] The appellate bench of the Small Causes Court shall consider the application under Order 41 Rule 27 of the CPC made by the petitioners herein at the stage of final hearing of the appeal. The

same shall be considered in accordance with law and on its own merits.

4] In view of the aforesaid, there is no necessity to interfere with the impugned orders. However, it is clarified that in deciding the application under Order 41 Rule 27 of the CPC, the appellate bench shall not be influenced by any observations made in the impugned orders.

5] The hearing of the appeal no. 72 of 2011 before the appellate bench is ordered to be expedited.

6] All contentions of parties are kept open, since this Court has not gone into various contentions on merits.

7] This petition is disposed of in the aforesaid terms.

8] All concerned to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)