

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.73 OF 2016
IN
CIVIL REVISION APPLICATION NO.24 OF 2016**

**Mrs. Devika Subash Roy : Applicant.
Versus
Ms. Pushpa Punjabi : Respondent.**

Mr. V S Kapse with Mr. Ajit J Kenjale and Mr. Rajesh Dharap for the Applicant.

Dr. Birendra Saraf with Mr. Ashish Kamat and Ms Pooja Kothari, Mr. Robin Feranandes i/by M/s. Federal & Rashmikant for the Respondent.

**CORAM : R. M. SAVANT, J.
DATE : 11th February 2016**

P.C.

1 The above Civil Application has been filed by the Applicant i.e. original Civil Revision Applicant for being permitted to produce additional evidence by way of documents which documents are relating to the medical treatment undergone by the Applicant, the application for extension of VISA made to the Ministry of Interior, Government of Chile and the list of participants who participated in the exhibition held by the Apparel Export Promotion Council.

2 In so far as the documents relating to the medical treatment of the Applicant are concerned, they are sought to be relied upon to support the case of the Applicant that she would suffer greater hardship if the decree is passed.

In so far as the VISA document and list of participants in the exhibition are concerned, the said documents are sought to be relied upon by the Applicant in support of her case that Navin Thakur has been residing in Chile since the year 2010 and that he has also participated in the exhibition held by the Apparel Export Promotion Council representing his father's company Premier Houz.

3 An affidavit in reply has been filed to the above Civil Application opposing the production of the said documents on the ground that the said documents cannot be allowed to be produced as they have not been produced whilst the proceedings were pending before the Courts below.

4 However, it is the case of the Applicant that she could lay her hands on the said documents only recently i.e. after the Appeal was decided by the Appellate Bench of the Small Causes Court and therefore she should be permitted to produce the said documents as they have an impact on the case of the bonafide requirement made out by the Respondent – original Plaintiff.

5 In my view, having regard to the fact that the said documents were not available to the Applicant whilst the proceedings were pending before the Courts below and with a view to give an opportunity to the Applicant to support her case on the basis of the said documents, the above Civil Application is required to be allowed and is accordingly allowed. The

Applicant is permitted to rely upon the said documents which have been appended to the above Civil Application. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]