

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1494 OF 2015
IN
SECOND APPEAL NO. 1082 OF 2012

Mrs.Aruna Jalindar Deokate

..... Applicant

VERSUS

Ravindra Jagannath Shinde & Ors.

..... Respondents

Mr.Prashant Jadhav, i/b. Ms.Shakuntala Wadekar for the Applicant.

Mr.Ravi Shinde, i/b.Ms.Anjali Ranade for the Respondents.

CORAM : R.D. DHANUKA, J.

DATED : 3rd MARCH, 2016

P.C.

By this civil application, the applicant seeks permission to produce additional evidence under Order 41 Rule 27 of the Code of Civil Procedure.

2. A perusal of paragraph 24 of the civil application indicates that the applicant seeks to place reliance upon some photographs of the alleged suit property. Upon raising a query by this court, learned counsel submits that the photographs are taken recently and were not of the period when the cause of action had arisen before the learned trial judge. In my view on this ground alone, the applicant cannot be allowed to rely upon additional evidence at this stage.

3. Insofar as copy of the alleged agreement annexed at page 15 of the civil application is concerned, it is stated by the learned counsel that said document was already part of the record before the learned trial judge. Since the said document

was already forming part of the record before the learned trial judge, both the parties can rely upon the said document during the course of hearing of the second appeal.

4. Civil application is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]