

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3804 OF 2017

Bilquis Khanum w/o. Iqbal Khan .. Petitioner
(Daughter of Mohd. Jilani Khan)

Versus

Vitthal s/o. Kerba Bhalerao (Died) LRs .. Respondents
and others.

Mr.Prashant K. Deshmukh, Advocate for the petitioner.

**CORAM : S.B. SHUKRE, J.
DATED : 21.03.2017**

P.C. :-

1. Heard. Perused the impugned order dated 21.09.2016 passed below application vide Exh.34.

2. Perusal of the application vide Exh.24 clearly shows that neither any purpose nor any object has been spelt out in this application, for which the documents in question are sought to be produced before the First Appellate Court. If any party thinks that such documents are necessary for doing effective justice between the parties, least that is expected of the party is to show

as to how they would be of immense help to the Court for achieving the ends of justice. There is not a single whisper about the relevancy of these documents. Therefore, I do not see any patent illegality or perversity in the impugned order. Of course, in the case of North Eastern Railway Administration Vs. Bhagwan Das (D) by LRs., AIR 2008 S.C.2139, the Hon'ble Apex Court has held that additional evidence should be permitted to be adduced at belated stage, if the Court requires it for pronouncement of the judgment or thinks that it is necessary for rendering judgment in a more satisfactory manner. There can be no dispute about the principle of law, so laid down by the Hon'ble Apex Court. But the question remains as to how the Appellate Court would make a conclusion that such additional evidence is necessary for pronouncement of the judgment or is required for giving judgment in more satisfactory manner and the answer would lie in the reasons or the explanation about the relevancy submitted by the parties seeking production of additional evidence. If the party seeking production of additional document does not state any reasons and is unable to show the Court that such production of the additional document should be of help to the Court in pronouncement of judgment, there is very little, an Appellate Court can do in the matter. The petitioner, unfortunately has not rendered any such help to the

Appellate Court. Therefore, though the principal of law has been laid down by the Hon'ble Apex Court in the case of North Eastern Railway (Supra), same could not be applied to the facts of the present case.

3. In the result, I find no merit in the petition. It stands dismissed summarily with no costs.

[S.B. SHUKRE, J.]