

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2646 OF 2014

Sahebrao Govindrao Chaudhary

.. **Petitioner**

Versus

Union of India,
Through its Chief Executive Officer,
Ahmednagar

.. **Respondent**

Shri Sanket S. Kulkarni, Advocate for the Petitioner.

CORAM : S. V. GANGAPURWALA, J.

DATE : 11th December, 2017

PER COURT :

1. The application for additional evidence under Order 41 Rule 27 of the Code of Civil Procedure, 1908 is rejected.

2. The Apex Court in a case of **Malyalam Plantations Ltd.**

Vs. State of Kerala and another reported in **2011 AIR SCW**

264, so also, in a case of **Union of India Vs. Ibrahim Uddin**

and another reported in **2013 AIR SCW 2752** has held that the

application for additional evidence has to be considered
alongwith the appeal.

3. In light of that, I pass the following order.

ORDER

- I] The impugned order is quashed and set aside.
- II] The application filed by the petitioner for additional evidence under Order 41 Rule 27 of the Code of Civil Procedure, 1908 shall be considered alongwith the appeal.
- III] It is made clear that I have not considered the merits of the application. The same will be decided on its own merits by the Appellate Court alongwith the appeal.
4. The writ petition is accordingly disposed of. No costs.

[S. V. GANGAPURWALA, J.]

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