

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

CIVIL APPLICATION NO. 8279 OF 2014 IN FA/2013/2008

PRAKASH BANDU CHAVAN AND ANOTHER
VERSUS
MUMTAJBI SHAIKH RAFIQ AND OTHERS

...
Advocate for Applicants : Mrs. R. A. Mohale h/f. Mr. S. S. Choudhary.
Advocate for Respondents No.1 to 8 : Mr. B. V. Dhage.

...
CORAM : K.K. SONAWANE, J.
DATED : 20TH DECEMBER, 2017.

Order :-

Heard learned counsel for appearing parties.

2. Perused the application seeking permission for production of additional evidence in this appeal. The learned counsel for applicants submits that appellant Prakash Bandu Chavan was the driver of offending vehicle. He came to be acquitted by the Criminal Court in Summary Criminal Case No. 6681 of 2005. Learned counsel requested to allow the production of document in this case. Heard learned counsel for respondents No. 1 to 8 (original claimants).

3. Admittedly, the document sought to be produced under Order 41 Rule 27 of the Code of Civil Procedure, 1908 (C.P.C.) is the certified copy of Judgment and Order of acquittal of appellant by the Criminal Court for criminal charges. Being public document, there is no impediment to allow the production of document as an additional evidence in to the present appeal. Moreover, the Judgment of Criminal Court came to be delivered pending the present appeal. Hence, in view of provision prescribed under Order 41 Rule 27 of the C.P.C., the application stands allowed in terms of prayer clause 'B'. The document i.e extract of Judgment in Summary Criminal Case No. 6681 of 2005 dated 01-06-2011 be kept on record as an additional evidence for consideration while adjudication of appeal on merit. Accordingly, civil application stands disposed of.

[K. K. SONAWANE]
JUDGE

rrd.