

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1190/2017  
IN  
SECOND APPEAL NO.552/2016

Sudhakar Anandha Salunkhe (Deceased)

Through legal heirs

... Applicants

V/s.

Vishnu Rama Musale (Deceased)

Through legal heirs

... Respondents

Mr. Aditya S. Desai for the Applicant

Mr. T. S. Ingle i/b. Nikhil Pawar for Respondent Nos.1 to 6.

**CORAM: K.K. TATED, J.**

**DATED : DECEMBER 12, 2017**

**P.C. :**

1. Heard the learned counsel for the parties. This application is made by the plaintiff for placing on record two documents i.e. a registered sale deed dated 09.07.1993 executed between Sudhakar Anandrao Salunkhe and Kamlakar Ganesh Badve in respect of the suit property. He submits that the applicant has specifically stated in paragraph 2 of their plaint about the said sale deed. He submits that before the appellate court, they made an application below Exhibit- 26 for placing on record the said sale deed. He submits that the appellate court, by order dated 07.12.2015 rejected their application and to that effect observations are made in paragraph 17 of the impugned judgment. He submits that the original sale deed is already filed before

the appellate court and same is on record. He submits that the applicant / plaintiff may be permitted to place on record the said sale deed. Hence, he has made the Civil Application.

2. On the other hand, the learned counsel for the respondent defendant, after arguing for some time, made a statement that the plaintiff has already made averments in paragraph 2 of the plaint before the Trial Court. Hence, they have no objection if the Civil Application is allowed to that effect.

3. The learned counsel for the applicant submits that they also want to bring on record death certificate of Saraswati G. Badve issued by the Health Department, Government of Maharashtra, Grampanchayat Bahe, Tq. Walva, Dist. Sangli. He submits that the applicant wants to place on record the death certificate to prove that Ganesh Rajaram Badve was the husband of deceased Saraswati Badve.

4. The learned counsel for the respondent defendant submits that the applicant may refer these documents at the time of final hearing of the Second Appeal. For that they do not have any objection.

5. Hence, following order is passed:

- a. The Civil Application is partly allowed.
- b. The applicant is permitted to place on record sale deed dated 09.07.1993 in respect of the suit property. Same is taken on record and marked as Exhibit-“A”.

- c. The applicant is permitted to rely on the death certificate of Saraswati Ganesh Badvi at the time of final hearing of the Second Appeal.
- d. Civil application stands disposed off accordingly.

**(K.K. TATED, J.)**