

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 172 OF 2017
IN
SECOND APPEAL NO.352 OF 1988**

Shri. Francis Simav D'Mello & Ors. ... Appellants

Versus

Shri. Robert Francis D'Mello & Ors. Respondents

.....

Mr. N.A. Mogre i/b Mr. Ravi G. Shinde for Appellants / Applicants.

.....

CORAM : S.C.GUPTE, J.

DATE : 15 MARCH 2017

P.C. :

This Civil Application is taken out under Order 41 Rule 27 of the Code of Civil Procedure for bringing on record two public documents which were generated during the pendency of the Second Appeal. The Applicants to file an affidavit of service within two weeks. The Second Appeal concerns the partition of the property owned by deceased Simav D'Mello, who is a predecessor in title of the parties. The documents which are sought to be tendered in evidence concern a property which was also owned by the deceased Simav D'Mello and which is partitioned between the parties by a decree passed in another suit. The documents have a

material bearing on the subject matter of the present Second Appeal. Accordingly the Civil Application is allowed in terms of the prayer Clause (A). The Second Appeal shall appear on board for hearing in the week commencing from 10 April 2017.

(S.C.GUPTE, J.)