

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO.139 OF 2020
AND
CIVIL APPLICATION (CAW) NO.2844 OF 2019
IN
WRIT PETITION NO.5174 OF 2015

Suryabhan s/o Bhikaji Gawande through his son Power of Attorney Holder Subhash s/o Suryabhan
Gawande.

Vs.

The Additional Commissioner, Amravati Division, Amravati and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. R. S. Tiwari, Advocate for petitioner.
Mrs. Geeta Tiwara, AGP for respondent nos.1, 6 and 9.

CORAM : AVINASH G. GHAROTE, J.
DATE : FEBRUARY 18, 2020.

Civil Application No.139 of 2020.

By this application, permission to file documents on record is sought by the petitioner. It is contended that the land of Survey No.85/2 corresponding to Gat No.316, admeasuring 0.81 Hectare situated at Belura and land of Survey No.68/2 corresponding to Survey No.85/6 admeasuring 0.60 HR originally belonged to Bhikaji Gawande, who died leaving behind him (a) Gangubai his widow (b) Suryabhan – son and (c) Vishnu – son. It is contended that in an oral partition, Vishnu had received the entire land of Survey No.68/2 admeasuring 0.60 HR and the land of Survey No.85/2 admeasuring 0.81 Hectare, was partitioned with Suryabhan getting 0.41 Hectare and the balance 0.40 Hectare

going to Vishnu and Gangubai. It is contended that Gangubai passed away intestate. It is further contended that, in view of the allotment of land of Survey No.85/6 to Vishnu, he was not entitled to any portion of the land in Survey No.85/2. In order to demonstrate the allotment of land of Survey No.85/6 to Vishnu, certain documents are sought to be placed on record by this civil application all of which are certified copies of the 7/12 extract, the mutation register and the record of rights, all of which are public documents. The learned Assistant Government Pleader, has objected to the filing of these documents on record, as they are being sought to be filed belatedly. It is her contention, that it was permissible for the petitioners to have placed them on record before the Additional Commissioner who then could have considered them while passing the impugned order. This having not been done, she submits that it is not permissible to do so now.

2. Having heard the learned counsel for the parties, since the documents sought to be placed on record are certified copies of revenue extracts, I do not see any reason, why they should not be permitted to be placed on record, as doing so would bring the factual position on record and assist the decision of the matter. Civil Application No.139 of 2020 is therefore is allowed and the documents are permitted to placed on record.

Civil Application No.139 of 2020 is disposed of.

Civil Application (Caw) No.2844 of 2019.

By this application the petitioner wants to place on record the certified copies of the 7/12 extract and the mutation register, all of which are public documents already available with the respondent nos.1, 6 to 9, considering which in spite of opposition by learned AGP the application is allowed.

Civil Application No.2844 of 2019 is disposed of.

JUDGE

Sarkate