

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

WRIT PETITION NO.1741 OF 2017

Shri. Bajirao Shankar Kamble and Ors.	..Petitioners
Versus	
Shri. Pandurang Ganu Medhe and Anr.	..Respondents

Mr. Kush M. Lahankar i/by Shrikrishna R. Ganbavale, for the Petitioners.

CORAM : NITIN W. SAMBRE, J.

DATE : 16th MARCH, 2022

PC.

1. Though served none appears for the respondents.

2. Since the petitioners/plaintiffs were permitted to produce the document vide order dated 21st July, 2016 passed by the Trial Court which has attained finality, as the same is not questioned by the respondents, in my opinion, the order impugned passed below Exhs.11 and 12 on 12th July, 2016 is not sustainable as the said document becomes part of the record of the Trial Court. Since the document becomes part of the record of the Trial Court, it is expected of the Appellate Court to consider the same while deciding Civil Appeal No.270 of 2015 on its own merit as the respondents/defendants will get opportunity to examine on the said issue.

3. The petition as such stands allowed.

[NITIN W. SAMBRE, J.]