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

**CIVIL APPELLATE JURISDICTION**

**CIVIL WRIT PETITION NO. 1723 OF 2022**

KALURAM KESU ALIAS KESHAV  
SALUNKE AND ANOTHER

....PETITIONERS

V/s.

SHALINI SHANKAR CHANDANE AND ORS      ....RESPONDENTS

Mr. Bhalchandra S. Shinde for the Petitioners

Mr. Drupad S. Patil a/w Mr. Vinay Kandpile for Respondents

**CORAM :    NITIN W. SAMBRE, J.**

**DATE:        FEBRUARY 21, 2022.**

**P.C.:**

1)      Order impugned is passed by the Appellate Court under Order XLI Rule 27 of Code of Civil Procedure, 1908 whereby Petitioners' prayer for production of additional documentary evidence is rejected for not satisfying the ingredients of the aforesaid provisions

2)      Having heard respective counsel at length, in my opinion, order impugned dated 03/01/2020 passed by Ad-hoc District Judge-8, Pune in R.C.A. No. 483/2017 warrants interference for the following

reasons:

- (a) Release Deed and Confirmation Deed executed on 25/11/2013 between Plaintiff-Appellant and Defendant is admittedly a registered document and as such both the parties were having knowledge about the same.
- (b) If so permitted to produce said documents on record at Appellate stage, Respondent-Plaintiff shall be at liberty to question the said documents or explain the recitals in the same by adducing evidence.
- 3) If such prayer is made by the parties to the Appellate Court, same shall be considered in the backdrop of aforesaid observations.
- 4) In that view of the matter, Application Exh. 30 stands allowed subject to deposit of cost of Rs. 25,000/- in the Court below within period of 4 weeks from today. Needless to clarify that Respondent no. 1-Plaintiff shall be entitled to withdraw the same.
- 5) Petition is allowed and disposed of in the above terms.

**[NITIN W. SAMBRE, J.]**