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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13884 OF 2023

Jyostna Prakash Rashinkar Through Power of
Attorney Holder

PETITIONER

VERSUS

Shaikh Husain Shaikh Lad Mohammad (Died) LRs RESPONDENTS

.....
Mrs. Manjushri V. Narwade, Advocate for the petitioner
.....

[CORAM : SHAILESH P. BRAHME, J.]

DATE : 2nd NOVEMBER, 2023

ORDER :

1. Heard.
2. The petitioner is challenging order dated 22nd September, 2014 below Exhibit-29 as well as order dated 15th July, 2023 below Exhibit-138 passed in Regular Civil Appeal No. 59 of 2010.
3. By applications Exhibits-29 and 138, the petitioner sought permission to lead additional evidence, by producing documents on record, which are rejected.
4. It is settled position of law that application for additional evidence is to be considered at the stage of hearing of the substantive appeal and not any stage prior thereto.

5. I do not find any illegality in both the impugned orders. The petitioner is at liberty to point out the lower Appellate Court at the time of hearing of RCA No. 59 of 2010 on merits, the necessity to consider the additional evidence. In that case, the request of the petitioner can be considered along with merits of the appeal.

6. For the present, no interference is called for. Writ petition is disposed of.

[SHAILESH P. BRAHME]
JUDGE