

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1878 OF 2022
WITH
INTERIM APPLICATION NO. 20330 OF 2022
IN
FAMILY COURT APPEAL NO. 36 OF 2021

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Mr. Uday Padmakar Sirsat
V/s.

..Applicant

Mrs. Rupali Uday Sirsat @
Miss. Rupali Jayprakash Targe

..Respondent

Mr. Ashok Avhad for the Applicant.

Ms. Mahewari Dave a/w Gauri Gavande for the Respondent.

CORAM : R.D.DHANUKA, AND
M.M.SATHAYE, JJ.

DATE : 13th JANUARY 2023

P.C.

. By consent of parties, both these Interim Applications are heard together and are being disposed of by a common order.

2. By Interim Application No. 1878 of 2022, the Applicant (original Appellant) seeks permission to produce additional evidence and further seeks an order that matter be remanded back for fresh trial on additional documents, which Appellant intends to produce.

3. The Interim Application No. 20330 of 2022 is also filed by the Applicant (original Appellant) to produce additional evidence as specified in said Interim Application.

4. We have heard the learned Counsel for the parties in both these Interim Applications. Though by Interim Application No. 1878 of 2022, the Applicant seeks remand of the matter back for fresh trial and for production of additional documents, the learned Counsel for the Applicant states that Applicant has already annexed large number of documents to this Interim Application and the documents ought to be considered by this Court at the time of final hearing of appeal. He further submits that various documents are considered by the Family Court while passing impugned decree though those documents were not forming part of the evidence before the Family Court which would be pointed out by the Applicant at the time of hearing of the Family Court Appeal before this Court. Statement is accepted.

5. After hearing the parties at length on these two Interim Applications, we make it clear that such documents annexed to these two Interim Applications sought to be produced by the Applicant, which were forming part of the record before the Family Court prior to 07.06.2021, would be considered by this Court in Family Court Appeal subject to the evidenciary value. The rest of the documents even if forming part of the Interim

Applications, but are subsequent to 07.06.2021 would not be considered by this Court while hearing the Family Court Appeal.

6. With these directions, we dispose of both these Interim Applications. Both the parties can point out from such additional documents, while advancing their submissions on behalf of their respective clients at the time of final arguments.

M.M.SATHAYE, J.

R.D.DHANUKA, J.