

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.124 OF 2019
AND
CIVIL APPLICATION NO.740 OF 2018
IN
SECOND APPEAL NO.177 OF 2018

Smt. Indumati Bhimashankar Surwase ...Applicant.

Versus

Vithal Pirappa Aarvat and Anr. ...Respondents.

*Mr. Nitin Gaware-Patil and Mr. Divyesh Jain i/b Mr. Abhishek D. Nagode
for the applicant.*

Mr. Samir Kumbhakoni for the respondent Nos.1 and 2.

Coram : Sharmila U. Deshmukh, J.

Date : 17th April, 2024.

P. C. :

1. Civil Application was filed seeking production of additional documents. In the said Application the pleading is that the documents were not available with the applicant during the pendency of the suit and therefore could not be produced. The documents which are sought to be produced is affidavit of the original plaintiff stating that the entire amount has been received by him. The document appears to be of 19th November 2002 and the second document is of 13th November 2002 which is receipt by which the

plaintiff admits that the property has been sold to defendant and she had become owner thereof. There is no such case which has been pleaded by the defendant that on 19th November 2002 the entire consideration had been paid and as such nothing remained to be paid. On the contrary, the specific case of the defendant is that terms of agreement provided for repayment of the loan installments by the defendant. That being the case the documents now sought to be produced are not required to be considered into evidence in absence of any such case being put up by the Defendant. The said documents are thus not necessary for adjudication of the present dispute. Civil Application stands dismissed.

2. The other Civil Applications, if any does not survive for consideration in view of dismissal of Second Appeal and stand disposed of.

[Sharmila U. Deshmukh, J.]