

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SATISH
RAMCHANDRA
SANGAR

WRIT PETITION NO.1869 OF 2024

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SATISH RAMCHANDRA
SANGAR

Date: 2024.12.07
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Smt.Shalanbai Shankarrao Dhumal

...Petitioner

V/s.

Shri.Vijay Ramchandra Dhumal and Ors.

...Respondents

Mr.R.D.Soni i/b. Mr.Sachin Khandagale:-	Advocate for Petitioner.
Mr.Aseem Naphade a/w Ms.Samiksha S. Mane i/b. Mr.Heramb Kadam:-	Advocates for Respondent No.1.

CORAM : S. M. MODAK, J.

DATE : 4th DECEMBER 2024

P. C. :-

1. In fact, considering the urgency pressed by learned Advocate Shri.Sawant for Respondent No.1, this matter is kept today on supplementary board.

2. The Plaintiff has failed in convincing both the Courts below in granting temporary injunction in his favour. During the course of arguments, learned Advocate Shri.Soni raised an issue about non-

consideration of their documents by the Appellate Court. He has shown to me, the order passed by the Appellate Court on 21st August 2023. (Page No.80). Several Applications were rejected by the Appellate Court. According to Mr.Soni, the Appellate Court has wrongly refused to consider those documents even though, earlier the production was allowed. According to him, if the Appellate Court should have considered these documents, an outcome of the Appeal could have been otherwise. Even, he sought to file rejoinder consisting of various documents.

3. The issue before this Court is, whether those documents can be considered or not while deciding this Writ Petition. According to Mr.Soni, they were the public documents. Wheres, according to Mr.Naphade, if they were not produced before the trial Court, it cannot be allowed before the Appellate Court unless a case is made out.

4. It seems that consideration of the documents is the bone of contention amongst the parties. For deciding that aspect, let both the parties to annex their respective Applications filed, if any, before the Appellate Court and orders passed thereon and all the necessary documents. If the Defendants – Respondents have sought production

before the Appellate Court, this direction is applicable to them also.

Let, both of them to exchange the compilation amongst themselves.

5. Stand over to **18th December 2024**. To be listed “**First on Board**”.

[S. M. MODAK, J.]