



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 5490 of 2024

Sudhir S/o Charandas Somkuwar

Versus

Smt. Urmila W/o Sanjay Wasnik

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.P.Bhandarkar, Advocate along with Shri Vikas J
Dharkar, Advocate for the petitioner.

Shri Amol Mardikar, Advocate along with
Shri A.N.Rangari, Advocate for the respondent.

CORAM : N.R.BORKAR, J.

DATED : 13th DECEMBER, 2024.

This petition takes exception to the common
order dated 3rd August, 2024 passed by the District
Judge-5, Nagpur below Exhibits 15 and 31, so also
another order passed on the same date below Exhibit 32
in Regular Civil Appeal No. 584 of 2015.

2. Respondent herein had filed a suit for
specific performance of contract. The trial Court
decreed the suit against which the petitioner has filed
the above appeal.

3. By the orders impugned, learned First Appellate Court has rejected the applications filed by the present petitioner under Order XLI Rule 27 and under Order VI Rule 17 of the Code of Civil Procedure, 1908.

4. The applications were filed to bring on record correction deed dated 17th January, 1998, with consequential prayers in terms of Order VI Rule 17 and Order XLI Rule 27 of the Code of Civil Procedure.

5. Learned counsel for the petitioner submits that the learned first Appellate Court has failed to appreciate the fact that the correction deed was very material document to decide the real controversy between the parties and for just decision of the dispute between the parties.

6. I have perused the impugned orders. The learned first Appellate Court has observed that the petitioner, on the basis of correction deed in question, is trying to introduce new defence.

7. Considering the said fact, I am not inclined to interfere with the impugned orders. The petition is dismissed.

[N.R.BORKAR, J.]