



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION (CAS) NO. 341 OF 2024
IN
SECOND APPEAL NO. 80 OF 2007**

Vilas S/o. Ajabrao Tabhane

Vs.

Smt. Panchafulla Wd/o. Baliram Kale and others

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

Court's or Judge's Order

Shri Jugalkishor Gilda, Senior Advocate a/w. Shri Zeeshan Z. Haq,
Advocate for appellant.
Shri G. S. Singh h/f. Shri S. P. Bhandarkar, Advocate for respondent no.
1(i).

CORAM :- M. W. CHANDWANI, J.

DATED :- 26.08.2024

Having heard the learned Senior Advocate appearing for the appellant, the following additional substantial questions of law are framed:-

“i) Whether the Appellate Court was correct in allowing the application for amendment of plaint vide Exh.15 in teeth of the order of this Court in CRA No. 1133/1991, whereby the CRA against the order of rejection of the amendment application by the Trial Court was dismissed ?

*ii) Whether the First Appellate Court was justified in allowing Exh. 13, 16 and 30 for producing the additional evidence without considering the ratio laid down in the decision of the Supreme Court in the case of **Union of India Vs. Ibrahim Uddin [(2012) 8 SCC 148]** ?”*

2. The respondents to take note of the additional substantial questions of law framed.
3. The application is disposed of accordingly.
4. Since the matter is old one, list the matter for final hearing on 12.09.2024 at 02:30 pm.

(M. W. CHANDWANI, J.)