



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9869 OF 2024

Nanda Balwant Jadhav

VERSUS

Kadubai Nivrutti Sukale And Others

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Mr. S. B. Choudhari, Advocate for the Petitioner

Mr. S. S. Gangakhedkar, Advocate for Respondent nos.1, 2,
And 3 (a To E)

Mr. K. R. Doke, Advocate for Respondent nos.6 and 7

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CORAM : ROHIT W. JOSHI, J.

DATED : 20TH AUGUST, 2025

ORDER :-

. Application for recording additional evidence in appeal filed under Order 41, Rule 27 of the Code of Civil Procedure came to be rejected vide order dated 16.07.2024, passed by the learned District Judge-1, Bhoom in Regular Civil Appeal No.16 of 2014. The said application ought to have been heard at the time of final hearing of the appeal.

2. In view of the above, the order dated 16.07.2024, passed by the learned District Judge-1, Bhoom on application at Exhibit 44 in Regular Civil Appeal No.16 of 2021 is quashed. The learned Appellate Court is directed to hear the said application at the time of final hearing of the appeal and

take appropriate decision on the same on merits. Since the appeal is of the year 2014, the learned Appellate Court shall make endeavour to decide the same at the earliest and in any case before 31.03.2026.

3. Writ Petition is disposed of.

(ROHIT W. JOSHI, J.)

Rushikesh/2025