

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 14039 OF 2024
IN
FIRST APPEAL NO. 438 OF 2016**

M/s. Agarwal Construction Co. ...Applicant/Appellant
Versus
Jay Gokuldharm CHS Ltd. ...Respondent

Adv. Sharan Jagtiani, Senior Advocate a/w. Mr. Ankit Lohiya, Adv. S. Mullick,
Ms Aditi Bhatt, Ms Jyoti Ghat, Adv. Shailesh Prajapati, Adv. Rajesh i/b Dua
Associates for the Applicant.
Adv. Yogesh P. Yagnik for Respondent-Jay Gokuldharm CHS Ltd.

CORAM : M. M. SATHAYE, J.

DATED : 21st AUGUST 2025

P.C.:

1. Heard learned senior counsel for the Applicant and learned counsel for the Respondent-Jay Gokuldharm CHS Ltd.
2. This is an Application for taking on record the report dated 14/06/2024 alongwith a plan of which copies are annexed to the Application. Request is made to take the said documents on record as additional evidence under Order 41 Rule 27 of the Civil Procedure Code.
3. On 10/07/2025, after hearing the contest between the parties for some time, it was directed that copy of the survey report and map will not be taken on record, for time being. However today, by consent of both the parties, as communicated through their respective learned advocates, the

original copy of the report dated 14/06/2025 and accompanying map thereof (colour copy) are taken on record and marked “X” for identification (collectively).

4. **The Application is disposed of** by directing that the said report and map will be considered as part of the evidence while considering the Appeal on merits. The original Map and the report be retained in the Appeal compilation of FA/438/2016.

(M. M. SATHAYE, J.)