



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 9399 OF 2024

SANGITA BALASAHEB LOKHANDE AND OTHERS
VERSUS
BHAUSAHEB GANPAT NAAT AND OTHERS

...

Mr. D. R. Jayabhar, Advocate for the Petitioners

Mr. R. S. Kasar, Advocate for Respondent Nos.1 to 3C

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 12.03.2026

PER COURT :-

. The petitioners failed to persuade the Trial Court to grant a decree for partition, separate possession, and mesne profits. By judgment and order dated 29.10.2021, the learned Civil Judge, Junior Division, dismissed the suit.

2. Aggrieved by the dismissal, the petitioners (original plaintiffs) preferred an appeal under Section 96 of the Code of Civil Procedure, 1908, before the learned District Judge at Ahilyanagar. The said appeal was registered as Regular Civil Appeal No. 166 of 2021.

3. During the pendency of the appeal, the petitioners filed an application at Exhibit-15 under Order XLI Rule 27 of the Code of Civil Procedure, seeking permission to produce additional documents on record. The said application was opposed by the respondents. After hearing both sides, the learned District Judge-4, Ahilyanagar, by order dated 11.07.2024, rejected the application. Being aggrieved thereby, the present writ petition has

been filed.

4. Mr. D. R. Jayabhar, learned counsel for the petitioner would submit that the documents sought to be produced are of vital importance and would assist the Court in arriving at a just decision on the merits of the appeal. It is contended that the petitioners, being married sisters, were unaware of the transactions that had taken place in their parental home. It is further submitted that the documents came to light only after disposal of the suit, and therefore, the petitioners could not produce them earlier despite due diligence.

5. Per contra, the learned counsel for the respondents supports the reasoning recorded by the learned District Judge and opposes the petition.

6. With the assistance of the learned counsel for the parties, I have perused the material placed on record, including the impugned order. On careful consideration of paragraphs 10 and 11 of the impugned order, it is evident that one of the documents sought to be produced is an affidavit dated 05.09.2022, which admittedly came into existence after dismissal of the suit by the Trial Court. The remaining documents consist of xerox copies of certain notarized documents, an extract from the notary register, a xerox copy of an agreement between deceased Kisan Udhare and Sahberao Dhondiba Jadhav, and a valuation report.

7. Considering the pleadings in the plaint and the findings recorded by the Trial Court, the learned District Judge has rightly observed that the said documents do not relate to the core controversy involved in the suit. The documents sought to be produced cannot be said to be relevant for adjudication of the issues arising in the appeal. As regards the marriage card,

it is to be noted that the suit for partition was primarily based on the contention that the ancestral property was alienated by the father of the petitioners under alleged bad influence and vices. In that context, the marriage card does not advance the case of the petitioners in any manner.

8. Under these circumstances, I concur with the findings rendered by the learned District Judge that these documents cannot be said to be vital or relevant for consideration of the appeal on its own merits.

9. In view of the above, I find no infirmity or perversity in the order passed by the learned District Judge rejecting the application under Order XLI Rule 27 CPC.

10. The writ petition is devoid of merits and is accordingly dismissed.

[AJIT B. KADETHANKAR, J.]