

ORDER BELOW EXH.14 IN MCA No.234/2024
(Narayan Kedari Sawant vs. Suraj Shivaji Sawant)
(CNR NO.MHSN170027272020)

1] This is an application for production of documents filed by the appellant under Order XLI Rule 27 of the Code of Civil Procedure. Perused application and say Exh.16. Heard Ld. Counsel Shri. B.S. Khilare for the appellant and Ld. Counsel Shri. A.V. Kodule for the respondent.

2] Ld. Counsel Shri. B.S. Khilare for the appellant submitted that he has placed on record copy of letter dated 18.09.2025 addressed to Civil Judge, Junior Division, Vita by TILR, Khanapur-Vita. According to him, it is mentioned in the letter that re-measurement of the property is necessary and there is variance in record of TILR and measurement map. He further submitted that this letter came to be issued subsequent to passing of the impugned order and it is required to be considered. He further submitted that procedure of Order XLI is applicable to appeal filed under Order XLIII of the CPC. He prayed to allow the application.

3] On the contrary, Ld. Counsel Shri. A. V. Kodule for the respondent submitted that present application does not satisfy requirements of Order XLI Rule 27 of the CPC which is applicable to regular civil appeal. He further read out Order XLI Rule 27 of the CPC and submitted that present case is not covered by any of sub rules of Rule 27 of Order XLI of the CPC. He further submitted that this letter was not available before Ld.

Trial Court while passing impugned order and additional evidence cannot be allowed to be taken into consideration. He strongly opposed the application and prayed for rejection of the same.

4] Considering rival submissions and material on record, it is necessary to read Order XLIII Rule 2 of the CPC with Order XLI Rule 27 of the CPC. Measurement of the disputed property is vital aspect touching to the merit of the matter. Therefore, the said letter is necessary to be considered to have just decision in the matter. Admittedly, the said letter is issued subsequent to passing of impugned order. Therefore, the appellant cannot be said to be in a position to place the said letter on record at earlier point of time. Considering all these aspects, present application can be allowed. Hence, I pass the following order :-

: ORDER :

1. Application Exh.14 is allowed.
2. Production of the letter filed with list Exh.15 is allowed.
3. Application Exh.14 is disposed of accordingly.

Vita
dt.23.02.2026

(R.R. Bhagwat)
District Judge-1,Vita