

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, GONDIA.

(Presided over by Kamalakar A. Kothekar)

REG. CIVIL APPEAL NO. 97/2014

CNR NO.MHGO014352014

Ramesh Adwani v/s Ashokkumar Madhodas Longani &

Ors.

ORDER BELOW EXH.8.

(Passed on this 23rd day of July, 2018)

1) Heard both sides. Considered relevant submissions.

2) Upon hearing both the sides on merit Trial Court has dismissed the suit as per judgment and decree dated 01-04-2014. Challenging said judgment and decree this appeal is filed. Appeal is pending since 2014. During pendency of this appeal now in the month of January 2017 such application is filed praying for permission to produce additional evidence. Respondents are objecting this application.

3) In this application, it is submitted that there are some documents details also given. Appellant wish to tender relevant evidence before Court. He is asking permission to tender documents in this Court. It is submitted on behalf of respondent that at the time of evidence documents were filed on record. After evidence Trial Court has delivered judgment and dismissed the suit.

4) Appellant has also placed reliance on some authorities alongwith list Exh. 13. There are relevant authorities tendered. Reliance has been placed on (1) **North Eastern Railway Administration, Gorakhpur v/s Bhagwan Das (D) by L.Rs. Reported in AIR 2008 Supreme Court 2139.** (2) **Wadi v/s Amilal And Others, reported in 2004(1) SCALE 82.** (3) **Rajesh Kumar Aggarwal and Ors. V/s K. K. Modi and Ors., reported in AIR 2006 Supreme Court 1647.**

5) Matter is old. It is ready for hearing. If documents are to be brought on record those could be allowed to be placed on record. Other side also can get opportunity to tender relevant material in reply of the same. In the interest of final adjudication on merit when appellant is requesting for permission to tender documents on record, I am of view that such permission can be granted. Even if, it is considered that he was given opportunity to tender these documents on record, as the point is regarding documentary evidence for proper adjudication of the matter; I am of view that such documents should be allowed to be brought on record now also, and hence, only to the extent of protection of documents in evidence, permission can be granted. Hence, I pass following order.

ORDER

1] Application Exh. 8 is allowed as below:-

Appellant is hereby permitted to file on record documents referred in this appeal. It is clarified that other side will also be given opportunity to make submission regarding documents tendered by appellant if any.

Gondia.
Dated: 23.07.2018.

(Kamalakar A. Kotheekar),
Principal District Judge, GONDIA.