

Narayan Ravba Sawant & Ors. V/s
Sindhubai Dilip Suryawanshi & ors.

ORDER BELOW EXH. 17

(30th Day of April 2025)

1- Perused application, say filed by respondent and the documents on record. I have gone through the judgments cited by both the parties.

2- It is observed by the Hon'ble Apex court in Union of India V/s Ibrahim Uddin and another reported in 2012 DGLS(SC) 342 that "it is crystal clear that application for taking additional evidence on record at an appellate stage, even if filed during the pendency of the appeal, is to be heard at the time of final hearing of the appeal and a stage when after appreciating the evidence on record, the Court reaches the conclusion that the additional evidence was required to be taken on record in order to pronounce the judgment or for any other substantial cause. In case, application for taking additional evidence on record has been considered and allowed prior to the hearing of the appeal, the order being a product of total and complete non-application of mind as to whether such evidence is required to be taken on record to pronounce the judgment or not remains inconsequential/in executable as is liable to be ignored"

3- In view of above observation of the Hon'ble Apex Court it is required to decide the present application after final hearing of the appeal. Hence I pass the following order.

ORDER

1- Application Exh. 17 will be decided after final hearing of the appeal.

2- Both parties shall take note of this order.

Baramati
Date :- 30.04.2025

(S.S. Saste)
Adhoc District Judge-2
Baramati.

CNR No.
MHPU14-000964-2024

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R.C.A..No. 31/2024

CERTIFICATE

I affirm that the contents of this PD.F.,file judgment are same word for word as per original Judgment.

Name of Steno :- Smt. S.V. Hirve (Steno Grade-I)

Court Name :- S.S.Saste
Adhoc District Judge-2

Date of Order :- 30.04.2025

Order signed by P.O. on :- 30.04.2025

Order uploaded on :- 30.04.2025