

MHSN040000462013



Reg. Civil Appeal No. 6/2013

Chhabutai Ramchandra Shingare & ors.

Vs.

Babutai Mahadev Gajare & ors.

ORDER BELOW EXH. 45

1. This is an application filed under Order XLI Rule 27 of the Code of Civil Procedure filed by appellants for production of document (evidence). Perused the application and say of respondents. Respondents have strongly resisted the application by filing say (Exh. 48). Heard Learned Advocates for both the parties.

2. The reason mentioned in the application for not producing the adoption deed dated 30/08/1993 at the time when the decree appealed against was passed does not appear to be true and genuine. Appellants have failed to establish that after exercise of due diligence said document could not be produced by them at the time when the decree appealed was passed. Thus, appellants have not shown sufficient cause for not producing the document within specified time.

3. Taking into consideration the circumstances of the case and above reasons, it does not appears to be just and proper to allow the application. Therefore, the application is liable to be rejected. Hence, following order is passed.

ORDER

The application is rejected.

Date : 22/02/2023

(Rajshri P. Pardeshi)
District Judge 2 Islampur

CERTIFICATE

I affirm that the contents of this P.D.F. file are same,
word to word, as per original order.

Name of the Stenographer	:	Shri B.M.Patil, steno, Gr.I
Court Name	:	Dist. Judge – 2 & Addl. Sessions Judge, Islampur.
Date	:	22/02/2023
Signed by P.O. on	:	22/02/2023
Uploaded on	:	23/02/2023