

(CNR No.MHSN0-40000462013)
ORDER BELOW EXH.61 IN REG. CIVIL APPEAL NO.6 OF 2013
(Chhabutai Shingare, etc. V/s. Babutai Gajare, etc.)

This is the application filed by the appellants for leading additional evidence as per order Section 107(1) and Order XXXXI Rule 27 of the Civil Procedure Code.

02. The application is opposed by the respondents on the ground that said proposed document was not filed by the appellants in the trial Court.

03. The procedure for leading additional evidence is prescribed in Order XXXXI Rule 27 of the Civil Procedure Code. In the application it is stated by the appellants even after due diligence was taken by them they could not produce the proposed document before the trial Court. Hence, they inclined to produce the same before this Court. This contention is opposed by the respondents with the submission that there was ample time and sufficient opportunity with the appellants to produce the document at the time of trial. They failed to produce the same. Hence, the document cannot be considered at this stage in the appeal.

04. The criteria for allowing additional evidence has been prescribed in Order XXXXI Rule 27 of CPC. It is to be considered whether the appellants have satisfied said criteria or not. However, at present juncture it is not just either to allow the additional evidence or to refuse to accept the same. The same can be considered at the time of hearing the main appeal on merit. At the time of hearing and decision of main appeal it can be decided whether to allow additional evidence by remanding the matter back to trial Court or to take the evidence in

appeal or to refuse the additional evidence.

05. Hence, keeping the issue of leading additional evidence open the application will be considered at the time of final hearing of this appeal.

Date: 11/11/2025.

(A. H. Kashikar)
Adhoc District Judge-1, 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	:	S.W.Pathan, (Steno Grade-I)
Court Name	:	Adhoc District Judge-1 & Addl. Sessions Judge, Islampur.
Date of Order	:	11/11/2025
Signed by P.O. on	:	12/11/2025
Uploaded on	:	12/11/2025