

Misc. Civil Appeal No. 21/2024
Savita Shilvant vs Harun Amalichunge
CNR No. MHSO010006322024

ORDER BELOW EXHIBIT 8

- 1) The respondent has filed this application under Order 41 Rule 27 of Civil Procedure Code. The appellant has filed reply and opposed the application
- 2) Heard both sides. Learned advocate for respondent submitted that, after filing of the appeal, the appellant produced examination-in-chief on 20.12.2024. She was cross-examined by the respondent. She has given some admissions regarding her residence and entry in 7/12 extract. The respondent wants to file on record the xerox copy of deposition of appellant before CJSD. On the other hand, learned advocate for the appellant submitted that, the appeal is filed challenging the order below Exh.5 and therefore, filing of documents at this stage is not justified. Whatever deposition is recorded by the learned CJSD, it can be taken into consideration by that Court only. Those documents cannot be the part of evidence before this Court.
- 3) It is true that the Misc. Appeal is filed challenging order below Exh.5 passed by learned CJSD. Present appeal is filed on 29.02.2024. During pendency of this appeal, the appellant submitted her examination-in-chief and she was cross-examined by the respondent. Now, it is the contention of learned advocate

for respondent that, for deciding the appeal on merit it is necessary to consider the deposition of appellant before learned CJSD. I am not agree with the submissions of learned advocate for respondent because by this appeal the order below Exh. 5 is challenged and whatever admissions given by the appellant can be considered by the learned CJSD at the time of final disposal of the suit. In this appeal, only it is the issue as to whether there is perversity in the impugned order and interference of this Court is required or not. The interim order passed by the concerned Court is the subject matter of this Court and it is not going to consider the merit of the suit, which is pending before learned CJSD.

- 4) Considering the above reasons, I find no merit in the application and therefore, it is required to be rejected. Hence, I proceed to pass following order:

ORDER

1. Application Exh.8 is rejected.
2. Application is disposed of.

(D. N. Surwase)

Date : 04.05.2026

District Judge – 3, Solapur.

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer - Nagesh N. Konda (Stenographer Grade - I)

Court - District Judge-3, Solapur.

Date of order / Judgment - 04.05.2026

Date of order/Judgment - 04.05.2026
signed by presiding officer.

Judgment/Order uploaded - 04.05.2026
on