

MHST01-001427-2025



IN THE COURT OF DISTRICT JUDGE-2, SATARA : AT SATARA

MISC. CIVIL APPEAL No.43 of 2025

Bhiku Shinde thr. LRs

...Appellant

V/s.

Shankar Katkar thr. LRs.

..Respondents.

APPEARANCE :

Mr.Y.A. Badave, Advocate for the Appellants.

Mr.P.K. Barasawade, Advocate for the respondents.

**Coram : Mr.S.R. Tamboli,
District Judge-2, Satara.**

:: ORDER BELOW EXH.23 ::

In the instant application, the respondents prayed to adduce the additional evidence

02. Mr. P.K. Barasawade, the learned Counsel for the respondents submitted that previously R.C.S.No.15/2014 was filed by the plaintiff/appellant. In said suit, the order of temporary injunction went against them as per order passed below Exh.36 of said suit. Against the said decision, appellant preferred M.C.A.No. 145/2016. Said appeal also went against the appellant. Appellant suppressed all these facts. Hence, permission be granted to produce these documents.

03. Per contra, Mr. Y.A. Badave, the learned Counsel for the appellant submitted that respondents could have produced these documents before the learned Trial Court. No sufficient reason assigned for producing these documents at this stage. Hence, documents cannot be taken into consideration.

04. Respondents have not assigned any reason for not producing the documents before the learned Trial Court. Therefore, case of the respondents doesn't fall in the category of the cases as contemplated in clause (a) & (aa) of Order 47 Rule 27 of the Civil Procedure Code. Whether these documents are necessary for deciding the appeal, it will be decided at the time of final argument. In the result, I pass the following order.

ORDER

1. Application will be decided along with the main appeal.

Place : Satara
Date : 14.07.2025.

(S.R. Tamboli)
District Judge-2, Satara.