

ORDER BELOW EXH. 52 IN REG. CIVIL APPEAL NO. 229 of 2023
CNR : MHST190031932023
(Dattatray Ganpati Jadhav Vs. Shakuntala Ganpato Jadhav)
(Passed on 20.04.2026)

The respondent has filed this application under Order 41 Rule 27 of the Civil Procedure Code for permission to lead additional documentary evidence i.e. the certified copy of order passed by Dy. Commissioner (Revenue) Pune Division, Pune, by contending that, the said order was passed in dispute raised by both parties about mutation entry.

2] The respondent filed reply and resisted this application by contending that, this application cannot be considered at this stage.

3] Heard learned Advocates for both sides.

4] As per the provisions of Order 41 Rule 27 of C.P.C., the permission to lead additional documentary evidence can be granted, if the circumstances mentioned in sub-clause (a) or (b) are made out.

5] The respondent has contended that, the matter was pending before the Revenue department and it was contested up to Revenue Commissioner and the Revenue Commissioner decided the said appeal by judgment dated 09.10.2023 and these facts

happened after the judgment delivered by the Ld. Trial Court, which is under appeal.

6] The proposed document is, the order passed by the Revenue Commissioner in the matter between the same parties. The said copy is certified copy. Further, the said matter was contested by both the parties and it will not going to make surprise to the other party. In such circumstances, following order is passed.

ORDER

Application is hereby allowed.

Wai
Date- 20.04.2026

(D. B. Mane)
District Judge-1,
Wai