

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SECOND APPEAL NO. 12 of 2015**

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DESAIBHAI ISHWARBHAI-DECD. THROUGH LEGAL HEIRS &

1....Appellant(s)

Versus

ANNAPURNABAI W/O CHANDRARAO MALOJIRAO PAWAR &

6....Respondent(s)

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Appearance:

HARSHANG H PATEL with MR BHAVESH P TRIVEDI with MR RR TRIVEDI,
ADVOCATE for the Appellant(s) No. 1 - 1.1.1.2 , 1.1.2 - 1.1.5 , 1.1.5.6 -
1.1.5.7 , 1.2 , 1.2.8 , 1.2.8.12

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CORAM: HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 18/06/2015

ORAL ORDER

Second appeal is admitted. Following substantial questions of law are framed.

(I) Whether without examination of at least one attesting witness, who was alive during the pendency of suit will can be said to have been proved?

(II) Whether the lower Appellate Court committed an error in law in allowing additional evidence to be brought on record in exercise of powers under Order 41 Rule 27 of Civil Procedure Code?

(AKIL KURESHI, J.)

Jyoti