

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
CIVIL APPELLATE JURISDICTION**APPEAL FROM ORDER (ST.) NO.39157 OF 2025**

Preeti Dayakishan Sapru alias Priti Sapru Walia .. Appellant

**Versus**

Vishnu Undrya Thakre and Ors. .. Respondents

- .....
- Mr. Prathamesh Unahmane, Advocate i/by AVC and Associates for Appellant.
- .....

**CORAM : MILIND N. JADHAV, J.****DATE : JANUARY 21, 2026****P.C.:**

- 1.** Not on Board. Mentioned by way of filing praecipe dated 21.01.2026. Perused the praecipe.
- 2.** Heard Mr. Unahmane, learned Advocate for Appellant.
- 3.** The impugned order is appended at Exhibit-A, page No.12 passed below Application Exhibit-188 by the learned Trial Court in the course of trial rejects Application of Appellant for placing on record registered document dated 15.11.2006 between the parties.
- 4.** Mr. Unahmane informs the Court that despite Plaintiff having referred to and relied upon the said document in paragraph No.15 of the Suit plaint which is duly responded to and dealt with by Respondent in paragraph No.22 of the written submission, the impugned order has been incorrectly passed. I have perused the order.
- 5.** It *prima facie* proceeds on the basis that the said document



has not been referred to and relied upon by the Plaintiff in the Suit  
plaint which has not given an opportunity to Defendant to respond to  
the same.

**6.** The noting of the facts in paragraph Nos.2 and 3 of the  
impugned order dated 26.11.2025 is *prima facie* contrary to the record  
of the case as pointed out by Mr. Unahmane while relying on  
paragraph No.15 of the Suit plaint and paragraph No.22 of the written  
submission.

**7.** An arguable case has been made out for immediate issuance  
of notice so that present Appeal from Order can be dealt with and  
returned to the learned Trial Court for continuation of Trial Court.

**8.** Considering that Appeal from Order is filed on 06.12.2025 it  
is moved today because next date before Trial Court is on 27.01.2026.  
It is stated in the praecipe that Trial Court has directed Appellant –  
Plaintiff to obtain necessary orders not to proceed in the case.

**9.** In that view of the matter, learned Trial Court is directed to  
defer the hearing of suit proceeding which is listed on 27.01.2026 by a  
further period of two weeks therefrom.

**10.** In view of above observations, issue notice to Respondents.

**11.** Humdast permitted. In addition to Court's notice, Appellant  
is directed to serve the Respondents a copy of this order and copy of



Appeal from Order and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

**12.** Respondents are directed to file their Affidavit-in-Reply on or before the next adjourned date.

**13.** It is seen that there are two suit proceedings between the same parties but they are listed differently.

**14.** Mr. Unahmane apprise the Court about the same on the next adjourned date so that both the Suits can be tagged together.

**15.** Stand over to **29<sup>th</sup> January, 2026**. To be listed alongwith Appeal from Order (Stamp) No.39151 of 2025.

**16.** Praecipe is disposed.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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SAWANT

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