

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5265 OF 2012

JANARDHAN WAMAN SARODE

... APPELLANT(S)

VS.

ARUN RAU PAWAR

... RESPONDENT(S)

O R D E R

Heard learned senior counsel appearing for the appellant, learned counsel for the respondent and perused the impugned judgment dated 30<sup>th</sup> September, 2003 passed by the High Court of Judicature at Bombay, Bench at Aurangabad in Second Appeal No.297 of 2003.

It has been brought to our notice that the appellant had filed an application purported under Order XLI Rule 27 of the Code of Civil Procedure (for short "The CPC") for taking on record the additional evidence. Even if the provisions of the CPC was not mentioned in the application but it was filed under Order XLI Rule 27 of the CPC. From perusal of the impugned order, learned Judge had not passed any order on the said application either allowing or rejecting it, though a mention has been made about the filing of the said application in the impugned judgment.

We, therefore, deem it fit and proper to set aside the impugned order and remand the matter to the High Court with a direction that appropriate orders on merits be passed on Civil Application No.3001 of 2003 in accordance with law.

We make it clear that we have not expressed any opinion on the merits of the case regarding the admissibility of the additional evidence sought to be filed by the appellant.

With the aforesaid observation, the appeal stands disposed of.

.....J.  
[R.K.AGRawal]

.....J.  
[ABHAY MANOHAR SAPRE]

New Delhi;  
January 17, 2018.

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5265/2012

JANARDHAN WAMAN SARODE

Appellant(s)

VERSUS

ARUN RAU PAWAR

Respondent(s)

Date : 17-01-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL  
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPREFor Appellant(s) Mr. Pallav Shishodia, Sr. Adv.  
Mr. Mehmood Umar Faruqui, Adv.  
Mr. Satyajit A. Desai, Adv.  
Ms. Anagha S. Desai, AORFor Respondent(s) Mr. Aniruddha P. Mayee, AOR  
Mr. Avnish M. Oza, Adv.  
Mr. Chirag Jain, Adv.UPON hearing the counsel the Court made the following  
O R D E RHeard learned senior counsel for the appellant and  
learned counsel for the respondent.The appeal is disposed of in terms of the signed  
order.

Pending application, if any, stands disposed of.

(ANITA MALHOTRA)  
COURT MASTER(SNEH LATA SHARMA)  
COURT MASTER

(Signed order is placed on the file.)