

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**(11) M.A. No. 827/22 (Prod. of Docts.)  
IN**

**APPEAL NO. AT006000000053439/21**

Mr. Radhesh Welling

... Appellant

-VS-

Oberoi Constructions Ltd.

... Respondent

**(12) M.A. No. 828/22 (Prod. of Docts.)  
IN**

**APPEAL NO. AT006000000053441/21**

Mr. Hoshi A. Karanjia through his const. attorney

Mrs. Anjoo Hoshi Karanjia

... Appellant

-VS-

Oberoi Constructions Ltd.

... Respondent

**(13) M.A. No. 829/22 (Prod. of Docts.)  
IN**

**APPEAL NO. AT006000000053444/21**

Mr. Randeep Singh Randhawa

... Appellant

-VS-

Oberoi Constructions Ltd.

... Respondent

*Mr. Ashutosh R. Gole, Advocate for Appellants.*

*Mr. Abir Patel, Advocate for Respondent.*

**CORAM : SHRI SHRIRAM. R. JAGTAP, MEMBER (J), &**

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 2<sup>nd</sup> NOVEMBER, 2023**

**(THROUGH VIDEO CONFERENCE)**

**MISC. APPLICATON NO. 827/22**

**MISC. APPLICATON NO. 828/22**

**MISC. APPLICATON NO. 829/22**



- 2) By these Misc. Applications, Respondent herein is seeking to produce 20 documents on record on the grounds that the documents have already been referred in appeal and even in the earlier complaint proceeding. However, these documents are not placed on record inadvertently.
- 3) Heard learned counsel for parties.
- 4) Adv. Abir Patel submits that 19 documents out of 20, are primarily connected to the court proceedings with the Hon'ble Bombay High Court of the related matter and document on page no. 20 is the Occupancy Certificate. These documents could not be produced earlier due to oversights. However, these documents are required for adjudication of the disputes in these appeals and accordingly these documents be taken on record under Order 41 Rule 27(ii) of CPC and Misc. Applications be allowed.
- 5) Adv. Ashutosh R. Gole submits that these documents are sought to produced belatedly, and matter has already reached in the final stage, these documents were already available with the Applicant/Respondent even then documents have not produced apparently due to oversights.
- 6) Adv. Ashutosh R. Gole further submits that these documents particularly being so bulky, the ground of these documents being



not produced by oversights is not plausible.

- 7) Perused.
- 8) These documents are related to the court proceedings except the document on page no. 20, which is the Occupancy Certificate. The Misc. applications clearly reveal that these documents are referred in the appeal as well as in the complaint proceeding. Accordingly, these documents prima facie appears to be relevant and will help facilitating for effective adjudication of the disputes in these appeals.
- 9) In view of Order 41 Rule 27(b), these documents being ex facie required for effective adjudication of this disputes in question, we are of the view that Misc. Applications be allowed subject to without prejudice to the rights and contentions of the parties and by keeping the point of admissibility open to be rebut by the other side on merit.
- 10) Applicant/Respondent is directed to complete the production of documents on record and complete pagination.
- 11) Liberty to other side to file additional affidavit and reply/written submissions and serve copy of the same to other side within three weeks.
- 12) Accordingly, Misc. Applications are allowed and disposed of on




above terms.

13) No costs.

**IN APPEALS**

14) Liberty to Respondent to file rejoinder, if any on the additional submissions to be filed by Appellant within two weeks.

15) Stand over to 30<sup>th</sup> Jan. 2024 for additional written submissions of parties/final hearing.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP)

MS/-