

Special Civil Suit No.11/2015.**: Order Below Exh.18 :**

- (1) Defendant No.1 has filed this application to produce documentary evidence from plaintiff.
- (2) Heard, Ld. Advocate for plaintiff and defendant.
- (3) Ld. Advocate for defendant has argued that plaintiff has filed this suit and he has stated in his plaint that plaintiff has paid Rs.3,48,000/- in State Bank of India, Dahod Branch, but, plaintiff has not produced any documentary evidence. Moreover, plaintiff has not produced any letter or notice regarding cancellation of power of attorney. Moreover, plaintiff has not produced any documentary evidence, letter or e-mail etc. to show that plaintiff has not get any amount from defendant.
- (4) Ld. Advocate for plaintiff has argued that plaintiff has produced his list of documentary evidence vide Exh-3 and he has produced Sr. No. 1 to 12 to support his plaint. He has paid necessary stamp duty in the Court. Moreover, plaintiff has produced necessary documents to prove his case, therefore, this type of application is not maintainable in the eye of law. Moreover, defendant has not read argument vide Exh-5.

- (5) I have read this application and the contents of Order-11 Rule-14 of Civil Procedure Code, which is as under:

Rule-14 : Production of documents : *It shall be lawful for the Court, at any time during the pendency of any suit, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such suit, as the Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just.*

- (6) According to above mentioned provision, if the Court shall think right and the Court may deal with such documents, thereafter, Court shall ordered to produced documents, but, at this juncture it does not necessary to pass order to plaintiff to produce documents. Plaintiff has produced list of documents vide Exh-3, therefore, I pass following order.

: O R D E R :

This application is hereby rejected.

No order as to cost.

Signed & pronounced in the open Court, today, on this 30th day of July, 2016.

Date : 30/07/2016.
Dahod.

(**Shaileshkumar Sureshchandra Joshi**)
2nd Addl. Senior Civil Judge
Dahod
U.I. Code No.GJ00527