

Special Civil Suit No.11/2015.**: Order Below Exh.19 :**

- (1) Defendant No.1 & 2 has filed this application to find answer by plaintiff. He has filed this application under the provision of Order-11 Rule- 1 to 11 of Civil Procedure Code. Heard, Ld. Advocate for both the parties.
- (2) Ld. Advocate for defendant has argued that plaintiff has not produced necessary documents in this suit. Plaintiff's suit is not maintainable, therefore, he has produced affidavit in question and he has filed 14 question to give answer by plaintiff, therefore, he has argued to allow this application.
- (3) Ld. Advocate for plaintiff has argued that at this juncture this type of application is not maintainable in the eye of law. Plaintiff has produced necessary documents to prove his suit, if, plaintiff has not produced necessary documentary evidence at that time plaintiff will lost his case, therefore, at this juncture defendant's this type of application is not maintainable.
- (4) Chapter-11 Rule-1 to 11 of Civil Procedure Code are read over, plaintiff has produced his list of documents vide Exh-3 to support his plaint. Moreover, defendant has produced list of documents vide Exh-29 and he has produced 17 documents to support his written statement, therefore, at this stage such type of application is not maintainable. Exh-5 is also pending for

hearing and Court has not framing issues in this suit, therefore, at this juncture such type of application is not maintainable, 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**