

Spl.C.S. No. 28/2019
Samadhan. Vs. Nandlal & Oth.

ORDER BELOW EXH. 294
(Passed on 09-06-2025)

The plaintiff has moved this application seeking the production of document. The defendants have opposed the application by filing reply overleaf. I have perused the application and say. Heard Ld. counsels for both sides.

2. The document sought to be produced by the plaintiff is titled as a certificate issued by one Madanraj Raipure, Building Planner-Designer and Consultant Civil Engineer. Said certificate is purportedly addressed to the plaintiff. The plaintiff contends that they could not produce the said certificate earlier since it was misplaced. The plaintiff has already filed photocopy of said certificate on record and they are seeking permission of the Court to produce the original on record since it has been allegedly found while cleaning the plaintiff's office. The defendants have opposed the application on ground that the plaintiff's pleading does not make any reference to the said certificate sought to be produced and in absence of any pleading said document is of no consequence at all. It is further contended that the plaintiff witness Girish (PW-1) and other witnesses examined by plaintiff has not stated anything about the said report. It is further submitted that if production of document is allowed then it would result into plaintiff's witness be recalled for further cross-examination. Thus, it is submitted that the application shall be rejected.

3. The record shows that the plaintiff has already filed the photocopy of said document on record. Thus, there is no question of defendants being taken by surprise since the photocopy was already there on record. As far as the defendants' contention with regard to want of pleading about the said document is concerned, that cannot be a ground to reject the production of document. The consequence of want of pleading in this regard would be considered at appropriate stage while considering the evidence. Similarly, merely because the defendants' say that the plaintiff witness would be required to be recalled for further cross-examination is not a valid ground to refuse the production of document.

4. The question of relevancy, credibility, admissibility and mode of proving the document can be decided at appropriate stage and need not be considered now. In order to fairly adjudicate the matter on merits and ensure that the parties get opportunity for the proper presentation of their side, it is just and necessary to allow the production of document as prayed. Hence, I hold that this application deserves to be allowed in the interest of justice, and I pass following order.

ORDER

1. Application is hereby allowed as sought.
2. The plaintiff is hereby allowed to produce the document as sought.

Date: 09/06/2025.

(D. A. Tiwari)
3rd Jt. Civil Judge (Sr. Dn.)
Chandrapur.