

ORDERS ON I.A.NO.XII

The applicant/defendant No.2 has filed the present interim application U/o VIII Rule 1(a) of CPC, with a prayer to permit him to produce documents as per annexed list.

2. The present application is supported by sworn affidavit of defendant No.2, wherein he contended that, at the earlier stage of the proceedings he could not furnish some of the documents. delay in producing the documents is not an intentional one. The said documents are genuine and relevant documents, without those documents, he is unable to prove his claim. Hence, prayed to allow the same.

3. The plaintiffs have filed objection to the present application. Wherein it is stated that, the present application is misconceived and untenable in law. The said documents are in no way require to adjudicate the matter. There is no merit in the I.A. and same may be dismissed.

4. Heard and perused the case records.

5. The following points arise for my consideration;

1. *Whether the applicant/defendant No.2 has made out grounds to allow I.A.No.12?*

6. My answers to the above point No.1 in the Affirmative.

REASONS

7. That, in this case, the side of the defendants is not yet closed and the case is posted for further evidence of defendants. At this stage, the defendant No.2 came up with the present application. An opportunity has to be given to defendants to establish their case by marking the documents. As the defendants have every right to produce the documents to prove their case and the plaintiffs have every right to cross-examine the defendants on the said documents. Hence, if defendants are permitted to produce the documents, then, no prejudice or harm will be caused to the plaintiffs. Hence, my findings to point No.1 is in the affirmative and I proceed to pass the following;

ORDER

I.A.No.XXII filed U/O VIII Rule 1 (a) of CPC filed by the defendant No.2 is hereby allowed.

The defendants are permitted to produce the documents as sought for and the documents are taken on record subject to proof, relevancy and admissibility.

Addl. Senior Civil Judge,
& J.M.F.C., B.Bagewadi