

Order below Exh.104 in RCS No.101/2018

This is an application filed by plaintiff under Order XI Rule 14 to 16 CPC directing defendant No.1 to produce the documents referred in the application, on the grounds mentioned in the application. The contents of application in short are:- That the plaintiff has filed this suit for perpetual and mandatory injunction. Issues are framed at **Exh.59**. Accordingly, it is necessary to adduce evidence to that effect. The application filed by plaintiff at **Exh.95** directing defendant No.1 to produce the documents available in its custody and mentioned in the said application, came to be rejected. Taking into consideration the contents of WS of defendant No.1, it is necessary to issue directions to defendant No.1 to produce those documents on record. Hence, the application.

2) Defendant No.1 has filed its provisional say at **Exh.106** and raised objection regarding the wording used by plaintiff in respect of advocate for defendant No.1 in his application at **Exh.104**. Perused application and provisional say filed by defendant No.1 at **Exh.106**. It seems that defendant No.1 has turned his eye towards the directions issued by Hon'ble Bombay High Court, Bench at Aurangabad in W.P. No.10598/2018, by which this Court is directed to decide this suit before 31/12/2025. Be that as it may.

3) I have heard Ld. Adv.Shri. Kale for plaintiff. The application filed by defendant No.1 at **Exh.107** seeking adjournment came to be rejected. Thus, the application is decided without hearing argument for defendant No.1. Record shows that plaintiff has filed this suit for perpetual injunction. Defendant No.1 has filed its WS at **Exh.24**. Defendant No.2 has filed his WS at **Exh.26**. Issues are framed at **Exh.59** on 27/08/2019. Plaintiff has examined himself as PW No.1 at **Exh.89**. Plaintiff has further examined Shri. Laxmikant Anilkumar Sharma as PW No.2 at **Exh.92**. Record further shows that the application filed by plaintiff at **Exh.95** for issuing witness summons to the officer of defendant No.1 for producing the original letters dated 08/06/2018 and 04/08/2018, came to be rejected for the reasons mentioned in it and *vide* order dated 06/11/2025. Record shows that most of the documents filed by plaintiff and submitted with the office of defendant No.1 are admitted by the latter.

4) By way of this application plaintiff is asking defendant No.1 to produce the documents mentioned in it. Before going into the merits of this application, let us see whether the provisions of Order XI Rule 14 to 16 CPC are applicable to the facts of this case. Order XI Rule 14 CPC deals with the provisions of production of documents and Rule 16 of

Order XI CPC deals with the provision regarding notice to produce the documents. In case, if a party has to avail a remedy under Order XI Rule 16 CPC, then the notice shall be in Form No.7 of Appendix C. So far as, this provision is concerned, it is not applicable because the present application is not according to the Form prescribed by Order XI Rule 16 CPC.

5) Now let us see, whether the provisions of Order XI Rule 14 CPC are applicable or not. As per this provision, the Court may at any time during the pendency of suit order production of document to any party, if the documents are related with any matter in question in such suit. Therefore, it shall be lawful for the Court to direct production of documents to any party to the suit in case if those documents are related with the matter in question in such suit. In the present case, there is no reference of the documents in the WS filed by defendant No.1 at **Exh.24** in respect of the documents of which production is sought by plaintiff. Besides, the suit is pending since year 2018 and till date, plaintiff has made no efforts for production of documents from the custody of defendant No.1. Had plaintiff been serious in seeking production of these documents, then he could have moved an application before defendant No.1, as it is a public office, and could have obtained certified copies of those documents. It appears that plaintiff is intending to prolong the matter by moving one application after another. He is not serious in conducting the trial of suit and it may be difficult for this Court to decide the suit on or before 31/12/2025 towards compliance of order dated 01/10/2025 passed by Hon'ble Bombay High Court, Bench at Aurangabad in W.P. No.10598/2018. For these reasons, I pass following order :-

Order

1. Application is rejected.
2. Plaintiff is hereby directed to adduce his further evidence on next date without fail.
3. Considering the paucity of period available to decide this suit, the suit will be heard on day to day basis.
4. No order as to costs.

Date : 13/11/2025

(Ashish B. Marlecha)
Civil Judge Senior Division,
Shrirampur, Dist. A.Nagar.