

MHAU130000712017



ORDER BELOW EXH.28 IN SPL.C.S. No.4/2017

(Ajintha Vs. MCA)

1. Plaintiff has filed this application to direct defendant to discover documents on oath mentioned in para No.2 of this application and para No.13 of say and written statement filed below Exh.18. Said documents are necessary and directly relevant to issue No.1 framed by this court below Exh.20.

2. Defendant has given handwritten say. Defendant has submitted that they have already filed document which they have relied in their written statement. Original or certified copy of those documents will be produced on record at the time of evidence. Plaintiff has filed this application just to prolong the proceeding. Hence this application is liable to be rejected with costs.

3. I have heard learned counsel for parties.

4. I perused this application and say submitted. I perused record of this case. Plaintiff is seeking discovery of documents as per Order 11 Rule 12 of C.P.C. Plaintiff ought to have filed said application before framing of issues. When plaintiff has filed this suit, burden of proof is on them to prove their case. Plaintiff has filed this suit in the year 2017. Hence plaintiff ought to have collected all

relevant documents either before filing of this suit or since 2017 till filing of this application.

5. Plaintiff can obtain certified copies of required documents from defendant. Plaintiff has failed to give sufficient reason why discovery of document is necessary at this stage of proceeding. I consider that discovery of documents is not necessary for fair disposal of this suit. Hence this application is liable to be rejected.

6. This case is of the year 2017. This case was kept for evidence since 24.04.2019. It is to be decided on top priority basis as per direction of Hon'ble High Court. Plaintiff has failed to adduce evidence since 24.04.2019 till date. In view of findings given above, I consider that this application is liable to be rejected. Therefore, I pass this order.

ORDER

1. This application is hereby rejected.
2. Plaintiff is hereby directed to adduce his evidence on next date positively, otherwise necessary further order will be passed against them.

Date :- 03.02.2023

(Smt. S.N. Morwale)
Civil Judge Senior Division
(Corporation Court), Aurangabad.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word,
as per the original Order.

Name of the Stenographer : S.V. Kondekar, Stenographer (Grade-II)
Court : C.J.S.D. (Corporation Court), Aurangabad.
Date : 03.02.2023
Order signed by the
presiding officer on : 03.02.2023
Order uploaded on : 03.02.2023