

MHBU070006642016



Order Below Application (Exh.140).
(Passed on 09.10.2023)

1. Perused application and Say (Exh. 141).
2. Here, the defendant has moved this application U/o 11 Rule 14 of CPC for production of documents. In the application, it is submitted that the plaintiff has filed on record the leave and license agreement of year 2011 but, it has not filed the counter receipts of all the donations or rent or license fees recovered from the defendant time to time and the account maintained by the plaintiff in respect of those donations or the extract of the account maintained by it. It is claimed that the counter receipts and the extract of the account are in possession of the plaintiff and for decision on the suit, their production is necessary. On such claim, the defendant has moved present application. However, the plaintiff has opposed the application and in the say it has submitted that the agreement in question has already expired more than Ten years back. It is claimed that the old record is not traceable. It is further claimed that though the defendant is seeking production of counter receipts and extract of the account, he has not filed any of such receipt in support the application. With such submission, it was prayed to reject the application.
3. Heard both sides.
4. Here, the defendant is praying for production of the counter receipts of all the donation or rent or license fees which was recovered from him time to time and which is in custody

and possession of the plaintiff. Further, he is also seeking production of the account maintained by the plaintiff in respect of the donation obtained from the defendant or the extract of the account. However, record shows that the agreement in question has expired in the year 2012 and till date more than Ten years have been passed. It is not expected from a party to the suit to preserved any document, as sought by the defendant, for a decade. Further, in the say, the plaintiff has submitted that the documents sought by the defendant is not available with it and it is not traceable. Further, though the defendant is seeking production of such document, he himself can produce the receipt of the rent or license fees and the receipt of donation which was collected from him by the plaintiff. If the defendant is intending to refer those documents to the witness of the plaintiff during cross examination, he himself can produce those receipts on record and refer it to the witness. Since, the document sought are not traceable, as claimed by the plaintiff, it will be not proper to issue direction to it for the production as sought by the defendant. For above reason, the application appears to be devoid of merit and it deserves to be rejected. Therefore, I am passing following order-

Order

Application (Exh. 140) is hereby rejected.

Sd/-

Place : Shegaon.
Date : 09.10.2023.

(J.R Ghadge)
Civil Judge Junior Division
Shegaon, Dist. Buldana.

I, *K.S. Deshmukh*, Stenographer of C.J.J.D. & J.M.F.C. Court No.1, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the Original Order.