

MHBU070006642016



Order Below Application (Exh. 170).

(Passed on 22.04.2024)

1. Perused the application and Say (Exh. 172).
2. Heard both sides.
3. Here, the defendant is seeking direction to the plaintiff to produce all the original documents and record. In the application, the defendant has claimed that the plaintiff has examined one Dipak Patil as its witness and proved some documents during his examination-in-chief by placing its Xerox copies on record. It is further submitted that for cross-examination of the witness, it is necessary for the counsel of the defendant to verify and examine the those original documents and record. On such claim, present application was moved to issue necessary direction. However, the plaintiff has strongly opposed the application by filing its say on record. In the Say, the plaintiff has submitted the documents which have been placed on record and proved during examination of aforesaid witness were duly verified and then, those verified documents were placed on record. It is further submitted that those verified copies were placed on record long back and the defendant has not taken any such objection at that time. It is further submitted the original documents and record is with the witness and there was no need to move present application. The plaintiff has further alleged that by moving such application, the defendant is just prolonging the suit and on that basis, it was prayed to reject the application with cost.

4. Perused record. It shows that during examination-in-chief of Dipak Patil (PW 2), the plaintiff has proved some documents which were duly verified by the A.S. of this Court long back. Those verified copies of documents and record were referred to aforesaid witness and then, they were exhibited. Further, in the Say, the plaintiff has submitted that the original documents and record is available with the witness and if it is so, the defendant has an opportunity to peruse those original documents and record and proceed with cross-examination of the witness. If it is so, it can be said that there was no need to move present application. It appears that the defendant is interested in delaying the suit and therefore, he has moved present application. Hence, considering above facts, it can be said that the application is devoid of merit and it deserves to be rejected. Therefore, I am passing following order.

Order

Application (Exh. 170) is hereby rejected.

Sd/-

(J.R. Ghadge)

Civil Judge Junior Division

Shegaon, Dist. Buldana.

Place : Shegaon.

Date : 22.04.2024.

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.