

Order below Exh. 185 in Reg. Civil Suit No. 48 of 2010

By way of present application plaintiff sought production of documents, on record.

It is submitted that instant suit was filed on 03-05-2010 and on very same date he had registered the plaint before Sub-Registrar, Jamner for notice which suggest filing of suit in respect of suit property. Inadvertently it was not produced on record at the time of evidence because original instrument was submitted before *Talathi* to incorporate relevant mutation entry in revenue record of suit property. Just before filing of this application plaintiff received same and to show his bona fide permission to produce it on record.

On the other hand, defendant strongly resisted the application on say that evidence of both parties was closed and matter posted for final argument. During the pendency of suit plaintiff had not produced any documents or evidence which suggest that plaint was registered before Sub-Registrar, Jamner. Moreover, reason suggested for non-filing of document at relevant time that it was submitted to *Talathi* is irrelevant, because as per section 149 and 150 of Maharashtra Land Revenue Code, it is duty of Sub-Registrar to forward instrument for relevant mutation entries. Therefore prayed to reject the application.

Having regard to the submission of both sides. Perused record.

It is true that suit is now posted for final argument and meanwhile plaintiff sought permission for production as per Code of Civil Procedure, the stage of production was far before, matter moved further up to fag end as it is posted for final argument. On minute reading of provision governance production suggested that the evidence in nature of documents to be produced before framing of issues. Herein present case the plaintiff does not sought production at relevant time already his evidence is closed by way of present application he had not sought reopening of evidence even neither mentioned grounds which would leads towards necessity of production of document to read in evidence. But the document which plaintiff want to produce of record his original instrument and registered as per Registration Act. Therefore production of documents does not prejudice to either side. Therefore I come to conclusion that production can be allowed and pass following order.

Order

Application is allowed.

(M. M. Chitale)

Civil Judge, Jr.Dn., Jamner.

Date 18-09-2018