



**Order below Exh.52 in Regular Civil Suit No.384/2013**

Smt. Minakshi Buyekar (Jadhav)

Vs.

Ratnabai Buyekar, etc.

[CNR:MHKO050025702013]

The present application is filed by plaintiff Under Order 11 Rule 14 of Code of Civil Procedure for production of documents.

2. Defendant has filed say on the reverse of the application and prayed to reject the application.

3. Perused application and say. Heard Ld.advocates of both sides.

4. Ld.advocate on behalf of plaintiff argued that, on 7.3.2016 a compromise agreement was drawn between parties. But, due to miss-appearance of original agreement, she could not produced the same at the time of recording evidence. Further, according to plaintiff just before few days she found said original agreement. Hence, it is prayed that defendant be allowed to produce on record original agreement dated 07.03.2016.

5. Ld.advocate for defendants argued that, said agreement needs to be file before recording the evidence, hence, the application is not maintainable. The present application is filed to delay the matter. Hence, it is prayed that application be rejected.

6. Perused the application, say filed thereon and cross of plaintiff(Exh.27) taken by the defendants. It is the specific contention of the plaintiff that the original document was got lost and thereby she was unable to produce the same. After finding of the same, on the very first date she is producing it. No doubt said agreement needs to be file before her evidence. But, on perusal of cross of plaintiff, it is seen at page No.12 of the examination-in-chief and cross-examination of the plaintiffs' evidence that the defendants specifically suggested to the plaintiff, with respect to the partition. Present suit is filed for partition and separate possession of their ancestral properties. The plaintiff wants to bring on record the compromise taken place between the parties. Therefore, this document may helpful to decide the case on merit. As regards the objection raised by defendants regarding maintainability of the application, merely non production the document at the relevant time will not be a ground to reject the such prayer, when the defendants have opportunity of further cross-examination of the plaintiff on the said document. Hence, present application needs to be allow in the interest of justice to decide the matter on merit and to decide the real controversy between the parties. Therefore, application needs to be allowed. Hence, I proceed to pass following order -

**Order**

- 1) Application (Exh.52) is allowed.
- 2) Plaintiff is directed to produce on record original agreement dated 07.03.2016 executed between her and defendants and keep herself ready for further cross, if any.

Date : 07-12-2022.

(S. S. Pednekar)  
6<sup>th</sup> Jt.C.J.J.D., Ichalkaranji.