

MHKO070000122015



REGULAR CIVIL SUIT NO. 6/2015
Ilai Jamadar - Vs. - Hijba Mulani & Oth.
ORDER BELOW EXH. 68 (I/A No. 1/2024)

Plaintiff is requesting for production of documents, more particularly to say the bank statements of plaintiff. Say of defendants is filed overleaf the application.

02. Perused application and say. Also perused record and proceeding. Heard.

03. The suit is for specific performance of contract. It is burdened on plaintiff to prove that he is ready and willing to perform his part of contract. Readiness and willingness of performance of one's part of contract is mandate of Section 16(c) of Specific Performance of Contract and it is seen that plaintiff is trying to discharge said burden by virtue of those documents. The objection by defendant is the production at delayed stage, particularly after chief and cross-examination of plaintiff is completed. Although it is true as per the material on record, it is clear that the evidence of plaintiff is yet not concluded and therefore, the exercise vide this application is in continuous of discharge of burden by the plaintiff, particularly of issue No. 3. As a result, although

there is delay in filing of those documents, the said documentary evidence is necessary for just decision of the matter. Accordingly, I am of the view that the production can be allowed. Thus, following order.

ORDER

1. Application is allowed.
2. Documents filed with the list at Exh. 69 be exhibited as those are complying the provisions of Section 65(b) of Indian Evidence Act as well as Banker's Book of Evidence Act.

Place - Jaysingpur.
Date - 03/04/2024

(**Anand D. Karbhajan**)
Joint Civil Judge Junior Division,
Jaysingpur, Tal. Shirol, Dist. Kolhapur.