

|                                                                                                       |                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| MHKO070006342019<br> | <b><u>Order below Exh. 68 in Special Civil Suit</u></b><br><b><u>No.14/2019.</u></b><br>Shernik Manikant Shaha<br>Vs.<br>Vishnu Sudam Popalkar and anr., |
|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|

The defendant No.3 has filed present application under Order 11 Rule 14 of the Code of Civil Procedure, 1908 for directing the plaintiff to produce the original agreement. The plaintiff has filed his say (Exh.69) and objected the application.

2. Heard both sides. Perused the record. The learned advocate for the defendant No.3 has submitted that the plaintiff has made an averment regarding the agreement executed by Kondiba Tukaram Kamble in plaint Para No.2. The said original agreement is in possession of the plaintiff. However, he has not produced the same on record. Therefore, he has prayed to direct the plaintiff to produce the original agreement on record. On the contrary, learned advocate for the plaintiff has submitted that the alleged original agreement is not in possession of the plaintiff. Furthermore, the plaintiff was not party to the said agreement. Therefore, he submitted that the plaintiff cannot be directed to produce the original agreement.

3. On perusal of record, it appears that the plaintiff has averred about the agreement executed by Kondiba Tukaram Kamble, in his plaint. However, it appears that Kondiba Tukaram Kamble and defendant No.1 were the party to the said agreement. It does not appear that the plaintiff was party to the said agreement. Furthermore, it is specifically alleged by the plaintiff that the original agreement is not in his possession. In such circumstances, the plaintiff cannot be compelled to produce the original agreement. Hence, I pass following order :-

**ORDER**

The application (Exh.68) is rejected.

Date: 10.06.2026.

**( P A. Patil )**  
Jt. Civil Judge Senior Division,  
Jaysingpur.