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| MHKO110008442012  | <u>ORDER BELOW EXH. 135 IN</u> <u>Reg. Civil Suit. No. 333/2012</u> <u>Nana Shiva Kamble and Ors.</u> <u>Vs.</u> <u>Hirabai Rangrao Kamble and Ors.</u> |
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The present application is filed by the defendant for the exhibition of document under Order 13 Rule 4 Code of Civil Procedure (in short C.P.C.). The plaintiffs have filed their say on the overleaf of the application itself and have strongly objected to it.

02. Perused the record. Heard the advocate for the plaintiff and defendant.

03. The Ld. advocate for the defendant submitted that, along with list at exh.64 and 100 he has filed various documents .The documents are inadvertently not exhibited. They need to be exhibited in order to enable the document to be read in evidence. Therefore, he prayed that the application be allowed.

04. The Ld. Advocate for the plaintiffs submitted that,as the defendant has not pleaded in his evidence affidavit about the documents, its production at this stage cannot be allowed. Hence, he prayed to reject the application.

05. The present suit is filed for permanent injunction against the defendant. Issues are framed below Exh.19. Both the parties have led evidence in support of their pleadings. The defendants and their

witnesses have led evidence below Exh.50,69,73 and 85 in the present case. All the witnesses have faced cross-examination. However, on perusal of the evidence and the documents filed along with list at Exh. 64 it prima facie appears that there is no reference about the said documents in their evidence affidavit.

06. Moreover, the documents filed are electricity bills, receipts issued by Sugar co-operative companies and computer generated advance payment receipts without the signature of the issuing authority. The concerned officials issuing it are neither examined nor there is compliance of section 65-B of the Indian Evidence Act. Therefore, the documents cannot be exhibited at this belated stage. However, the document at Exh.100 being a certified copy of the court record, it is a public document and therefore it needs to be exhibited.

07. As every litigating party has a right to approach the court in order to seek appropriate relief it does not seem necessary to impose cost upon them. Hence in the interest of justice the following order is passed.

ORDER.

1. Application at **Exh. 135** is hereby partly allowed.
2. The document at Sr.no.1 filed along with list at Exh.100 be exhibited.
3. No order as to costs.

Date : 23/06/2025
Place: Peth-Vadgaon

Sd/-
(R. S. More)
3rd Jt. Civil Judge, Jr. Dn., Peth-Vadgaon.