


MHKO110008442012 	<u>ORDER BELOW EXH. 134 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 plaintiff for the exhibition of documents under Order 13 Rule 4 Code of Civil Procedure (in short C.P.C.). The defendant has filed his 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 plaintiff submitted that, the documents produce along with list be exhibited. 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 defendant 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 matter was posted for

final arguments when the present application was preferred the plaintiff is seeking exhibition of documents filed along with list at Exh. 63. The production of the documents was allowed vide order below Exh.59. The plaintiffs and their witnesses have led evidence and are cross examined below Exh.20,27 and 45 in the present case. All the witnesses have also faced cross-examination. However, on perusal of the evidence and the documents filed along with list at Exh. 63 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 tax receipts of the payment made to the government of Maharashtra. The concerned officials issuing it are not examined. Therefore, the documents cannot be exhibited at this belated stage.

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. 134** is hereby rejected.
2. No order as to costs.

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

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