

ORDER BELOW EXH – 278.

Plaintiff has filed this application for production of document. It is contention of plaintiff that, he has filed suit for partition and both sides have adduced their evidence respectively. The property bearing Block No. 122 had been acquired under land acquisition proceeding and therefore, he did not extended his relief for the same. The present defendants contended that, plaintiff has accepted compensation amount of the Block No. 122, however, plaintiff did not received the same. The defendant no.1 & 2 have filed complaint for not allotting compensation amount to the plaintiff and during their cross examination denied the same. Therefore, plaintiffs intend to file document in that regard. The proposed documents are just for the final decision of the suit and would not caused prejudice to the defendants. Thus, prayed to allow his application.

2. Defendant no.1 & 2 strongly opposed the application by filing their say at Exh.279. They contended that, on false ground plaintiff filed this application at belated stage. The proposed documents since 2018 in custody of plaintiff, however, he did not produced the same at earlier stage. It is not contention of plaintiff that, before adducing his evidence, above documents are not within his custody. The proposed documents are not public documents and not just for the final decision of the suit. Hence, prayed to reject the same.

3. I have heard counsels for both sides at considerable length. Through this application, plaintiff intend to produce documents regarding the complaints made by defendant no.1 & 2 before concern

authorities for not allotting compensation amount to him. It is not case that, proposed documents claimed by the defendants and denied by plaintiff to produce. Further, plaintiff specifically contended that, defendant no.1 & 2 during their cross examination denied the fact that, they have opposed to allotment of compensation amount to him. Further, plaintiff merely prayed for the production of documents.

4. Admittedly, now suit is posted for final argument. The value of document would be ascertained only after they produced on record. The defendants through their W. S. Specifically contended that, plaintiff has accepted compensation amount. Therefore, considering the stage of proceeding and nature of documents, no prejudice would be caused to the defendant, if application allowed. Per contra, if it rejected it would amount denial of fair trial. The evidence of defendants closed on 17.01.2025 and later on 17.07.2025, he has filed present application. Therefore, considering delay some cost need to be imposed over the plaintiff for the same. Hence, in result of above discussion in the interest of justice I pass following order,

ORDER

1. Application is allowed as under subject to cost of Rs. 1,000/- paid to the contesting defendants.
2. After payment of cost amount documents filed by plaintiff along with application will be accepted on record.
3. Parties to take note and proceed further.

Place - Ajara.
Date – 18.09.2025.

(R. P. Thore)
J. O. Code- MH02897
Civil Judge, Junior Division,
Ajara.