

MHLA110017292022

Order below Exh.70 in R.C.S. No. 393/2014
Sou. Vimalbai Patil Vs. Assistant Engineer

Perused contents of the application and say thereon. Heard to both sides. They submitted contents of the application and say thereon respectively. Perused the record.

2. By this application the plaintiff is seeking to struck off the defence on the ground that, the defendant failed to produce document of **leave and licences** as per order dated 08.1.2025 passed below Exh.69. The defendant contended that, the alleged document was disposed off after laps of its period by the concern office, the agreement came to an end as mentioning the aforesaid document. The said document was not available with the defendant. The plaintiff will have an opportunity to get it proved. Therefore, the defendant lastly prayed to reject the application.

3. Application vide Exh.69 was filed for seeking issue of direction to the defendant to produce original document of leave and license. On 08.01.2025, the Court had directed to the defendant to produce original document of leave and license agreement dated 01.04.2004 and 16.03.2006 on record on the then next date or any other date as extended by the Court. At this juncture, there is no dispute about non production of the said document by the defendant. However, the plaintiff may

avail appropriate legal recourse. She will have also remedy to bring the evidence with respect to the alleged document by taking appropriate legal recourse. Appropriate inference may be drawn at appropriate stage. In such circumstances, ground raised for striking of the defendant itself is not sufficient to struck of the defence. Hence, the present application is rejected.

Date :16/01/2026
Place: Nilanga

(R. V. Pande)
Civil Judge, Senior Division, Nilanga,
District Latur.