

MHNG080005022015



R.C.S.No. 80/2015

Agrawal Bhawan Society Vs.  
Motiram General Stores.

**ORDER (BELOW EXH.96)**

(Passed on 25/06/2024)

The defendants filed this notice to produce documents under Order 11 Rule 16 of the Code of Civil Procedure.

2] The plaintiff filed its say at Exh.97. It is contended that the plaintiff has already filed resolution dated 15.05.2022 at Exh.84 and resolution dated 28.06.2015 at Exh.48. The reservation books of the year 1985 to 1996, 2006 to 2010 and 2014 to 2015 have no relevancy with the suit, in fact, there is no reservation book available with the plaintiff. Hence, prayed to reject notice to produce documents with compensatory costs of Rs.50,000/-.

3] The learned Advocate for the defendants submitted that she carried out correction on original Exh.96 as “resolution” in place of word “reservation”, but before making correction on its copy, the plaintiff took that copy and therefore correction could not carry out on said copy. On 06.05.2024 she filed corrected copy of Exh.96 on record, copy of which given to the plaintiff. The Court asked the learned Advocate for the plaintiff to file reply again, but he adopted reply filed at Exh.97.

4] Heard both sides. Perusal of Exh.96 show that the defendants mentioned in it about resolution books for the period 1985 to 1996, 2006 to 2010 and 2014 to 2015. But the plaintiff in its reply Exh.97 admitted that the reservation book of above period are not available with it. The plaintiff did not mention about resolution books for the period 1985 to

1996, 2006 to 2010 and 2014 to 2015 in its reply. After giving opportunity to correct the word 'reservation', the learned Advocate for the plaintiff did not correct the same and straightway adopted reply filed at Exh.97. Whether those resolution books have any relevancy or not, could be decided by the Court and not by the party. The plaintiff is a registered Society and therefore the resolution books needs to be maintained by it for showing day to day transactions of the society. Therefore, it cannot be believed that resolution books as mentioned in Exh.96 are not available with the plaintiff. Therefore, I am again giving one opportunity to the plaintiff to produce resolution books for the period 1985 to 1996, 2006 to 2010 and 2014 to 2015 on record. If the plaintiff did not produce above resolution books within time given by the Court, it will loose its right to produce the same in future. Hence, I pass following order.

### **ORDER**

- 1) The plaintiff is directed to produce resolution books for the period 1985 to 1996, 2006 to 2010 and 2014 to 2015 within one month from today.
- 2) If the plaintiff failed to produce above resolution books within one month, it will loose its right to produce the same in future.
- 3) If the plaintiff failed to produce above resolution books on record, the defendants may file secondary evidence, if any.

Kamptee.  
Date :- 25/06/2024

(R.R. Sherekar)  
2<sup>nd</sup> Joint Civil Judge Junior Division,  
Kamptee, Dist. Nagpur.