

MHNG090025672022

Spl. C. S. No.33/2022

Kashiram Vs. Hansraj



ORDER BELOW EXH.153
(Passed on 16th day of June, 2025)

This is an application filed by defendant for grant of permission to produce documents on record. It is his contention that he was to produce an important documents on record. Hence, he may be permitted for the same.

2. The plaintiff strongly apposed the application it is his contention that the documents is not pleaded by the defendant in his written-statement. So also there is no in explanation as to why it was not filed before commencements of trial. This is a surprising documents to plaintiff. Hence, he prayed to reject the application.

3. Heard the learned advocate M.C. Khangare appearing for the defendant and learned advocate S. M. Pande appeared for the plaintiff has length.

4. On perusal of the record it's reveals that plaintiff has closed his evidence. Defendant also adduced his evidence. Neither plaintiff nor defendant deposed before this Court that third party interest is created in the Suit Property. That there is no pleadings of the defendant regarding the creation of third party interest in the Suit Property. The document is of dated 23.04.2024, but no reason is given by the defendant as to why he has not produced the same in his evidence dated 11.10.2024. **As per order XIII Rule 1 Original documents to be produced at or before the settlement of issues.**

(1) The parties or their pleader shall produce at or before the settlement of issues all the documentary evidence of every description in their possession or power, on which they intended to rely and which has not already been filed in the Court, and all documents which the Court has order to be produced. The defendant has not shown any reason as to why he has not filed the proposed document in his evidence. Therefore, the stranger to the suit or the witness of the parties can not changed the nature of the suit property by a filling a document at this stage.

5. That as per XIII Rule 2 no any specific reason is given in this application by the defendant, as to why this belated stage defendant wants to file the document on the record. It is also pertinent to note here that the suit is of year 2012. If any developments are occurred regarding the Suit Property during the pendency of the suit. Than no effect will occurred on the Suit Property. The alleged document is not pleaded by the either parties, their is no any situation and circumstances to cause miscarriage of justice, if the permission is not granted to produce the document on record. In such a situation of proceeding of following order.

ORDER

1. Application Exh.153 to file documents on record is hereby rejected.
2. No order has to cost.

Sd/-

Saoner
Date : 16.06.2025

(S. A. Sardar)
Civil Judge Sr. Dn. Saoner
Tahsil Saoner, District Nagpur

CERTIFICATE

I affirm that the contents of this PDF file of order are word to word as per original order.

Smt. L.M.Shendre
Stenographer(Grade-II)