

Order below Exh.155

1. The ld. Counsel for defendant no.7 has filed this application to allow production of photostat copy of nikahnama and its translation made by one Kazi Rafiuddin Gayasoddin Kazi.

2. Rival Adv. Shri. N.D. Kulkarni has filed say upon this application that defendant has not followed procedure laid-down in Code of Civil Procedure while filing this application. The person having custody of nikahnama is dead. It is not explained as to how Kazi-Rafiuddin obtained custody of the same. So, application is liable to be rejected.

3. I have given sufficient opportunity of hearing to all parties and their ld. advocates on record. I have perused record.

4. It appears from the record that the person who has filed affidavit vide Exh.156 i.e. Kazi-Rafiuddin is not party to the suit. The said Kazi is also not ordered or directed by the Court to produce any document. The Ld. Advocate who has identified him is not advocate on record in this case. Such suo-motu appearance is not feasible nor appropriate. The rival advocate has taken reasonable objections which require to be sustained. Defendant No.7 shall have to undertake proper procedure for production of document. Therefore, following order is passed.

- ORDER -

Application is rejected.

Yeola, Dist.Nashik,
Date : 20/10/2015

Civil Judge, J.D., Yeola.