

ORDER BELOW EX. 14
(Passed On 27th January 2025)

1. This is an application for seeking permission to produce documents on record mentioned at Serial No. 1 to 3 at Ex. 15 preferred by respondent No. 3/judgment debtor No. 3.

2. Perused the application and read the reply. I have heard Mr. C.K. Maindad learned counsel for decree holders/claimants and Mr. S.B. Shinde learned counsel for respondent No. 3/judgment debtor No. 3.

3. Mr. Shinde learned counsel for respondent No. 3/judgment debtor No. 3 submitted that decree holders/claimants have filed present execution proceeding against respondents/judgment debtors. Mr. Shinde submitted that he intends to file documents on record mentioned at Serial No. 1 to 3 at Ex. 15. Mr. Shinde submitted in absence of said documents on record, respondent No. 3/judgment debtor No. 3 would suffer irreparable loss. Mr. Shinde submitted in consonance to his application and prayed to permit respondent No. 3/judgment debtor No. 3 to file documents mentioned in application at Ex. 15 on record and accordingly prayed to allow the instant application.

4. Mr. Maindad learned counsel for decree holders /claimants vehemently opposed the instant application and

submitted that the instant application at this stage is not maintainable. Mr. Maindad submitted that respondent No. 3/judgment debtor No. 3 is negligent and careless in the instant matter and presently matter is fixed for taking steps but to prolong the matter the instant application is filed. Mr. Maindad submitted that respondent No. 3/judgment debtor No. 3 had sufficient opportunity to file his documents on record. Mr. Maindad submitted that present application is filed with ulterior motive just to harass decree holders/claimants. Mr. Maindad submitted in consonance to his reply and prayed to out rightly reject it with heavy cost.

5. It is pertinent to mention that no prejudice as such would be caused to decree holders at this stage since matter is at the stage of taking steps and the said documents ought to be filed on record would be necessary for knowing the factual position of suit land. The documents which ought to be produce on record is required for fair adjudication of matter on merits. On the basis of arguments of rival sides, I am of the opinion that instant application needs to be allowed in the interest of justice. In the result, I am inclined to pass following order.

ORDER

1. The application at Ex. 14 is allowed.

2. Matter to proceed further.

Place:- Kallam

Date:- 27/01/2025

(N. A Ingley)
Civil Judge Senior Division
Kallam

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment / order are same, word to word, as per the original Judgment / order.

Name of Stenographer	-	S.R. Kale Stenographer (Grade-II)
Court	-	Civil Court, Senior Division, Kallam.
Date	-	27-01-2025
Order signed by the Presiding Officer on	-	27-01-2025
Order uploaded on	-	27-01-2025