

Order below Exh.324 in R.C.S.No.132/1987
Shivaji Mane Vs Govind Thopate & Ors.
(Passed on 21/02/2026)

This is an application filed by Defendant No. 12 at Exh. 324. The suit is of the year 1987 and filed for permanent injunction against the defendants. The evidence of all the parties has already been completed and the matter is pending at the stage of final arguments.

02. By the present application, Defendant No. 12 has prayed that the documents at serial Nos. 3, 4, 5 and 6 below Exh. 230 and the document below Exh. 317 be exhibited, contending that while preparing for arguments it was noticed that though the said documents were admitted during evidence, they have remained unexhibited and are required for effective adjudication.

03. The plaintiff has opposed the application by filing a say on the overleaf of the application. It is contended that documents mentioned in the application are the sale deed and rectification deed executed by the original plaintiffs. However, the plaintiffs have not adduced their own evidence in the present suit, nor has any witness to the said documents been examined. In such circumstances, the said documents cannot be read in evidence. Therefore, the application is stated to be illegal and liable to be rejected.

04. I have carefully considered the application, the say filed by the plaintiff and the entire record. It is not in dispute that the present suit is pending since the year 1987 and that the evidence of all the parties has already been concluded. The matter is now fixed for final arguments.

05. On perusal of the record and the List of Documents of the plaintiff at Exh. 230, it appears that on dated 11-07-2023 Defendant No. 12 had specifically admitted the documents at Serial Nos. 3, 4, 5 and 6 only for identification purpose and not admitting the contents thereof for evidentiary purpose. Thereafter, Defendant No. 12 has filed his evidence close pursis at Exh. 320 on 22-08-2023. Thus, it is evident that the defendant had full knowledge regarding the status of the said documents during the course of evidence and even thereafter consciously closed his evidence without taking any steps for seeking exhibition of the said documents. In such circumstances, sufficient opportunity was available to Defendant No. 12 at the appropriate stage, however no steps were taken. The present application is filed at a belated stage after closure of evidence and posting of the matter for final arguments, without assigning any satisfactory explanation showing due diligence. Allowing such request now would amount to reopening the concluded stage of evidence and would cause prejudice to the opposite party, particularly when the suit is pending since the year 1987. Therefore, this Court is of the considered view that no sufficient ground is made out for exercise of discretionary jurisdiction in favour of Defendant No. 12. Hence, the application deserves to be rejected with following order -

ORDER

- 1] Application at Exh. 324 stands rejected.
- 2] No order as to costs.

Pune.
Date : 21-02-2026

[Smt.Meena W. Jadhav]
Jt. Civil Judge, Jr.Div., Bhore

CERTIFICATE

I affirms that the contents of this P. D. F. file order are same word for word as per original order.

Name of the Court	:- Hon'ble Smt. Meena W. Jadhav Jt. C.J.J.D. & J.M.F.C., Bor, Pune
Name of the Steno	:- M. S. Kondhare L.G.
Date of Order	:- 21-02-2025
Signed by P.O.	:- 21-02-2025
Order uploaded on	:- 21-02-2025