

ORDER BELOW EXH.29 IN S.C.S.NO.256/2009.

1) This is an application for production of documents of sale deed and power of attorney deed which are in custody of the defendant. According to the plaintiff a notice thereof has been issued to the defendant.

2) Defendant has resisted the application on the ground that, long before the filing of this application, plaintiff was aware of the fact that the documents in question were in custody of defendant, and that despite this, he has failed to pray for an early production order. It is also contended that the first two documents sought to be produced need not be produced as the copies of the same are on the record. In as much as the first two documents are concerned, which are F.I.R. and chargesheet, those are obviously not in custody of the defendant. Admittedly, the documents of sale deed and power of attorney are in custody of defendant. Merely because plaintiff has mis-quoted the provision, a too technical approach cannot be adopted for not ordering production of document when plaintiff is required to prove the said documents in support of his case. However, costs are required to be imposed for belated application. Hence, the order.

ORDER

Defendant shall produce the documents of sale deed as well as the document of power of attorney deed before the Court on the next date subject to costs of Rs.500/- to be paid by the plaintiff to the Bar Association, Panvel which shall utilize the said cost for academic purpose.

Panvel,
Date : 09-06-2016.

(D.R.Deshpande)
Jt.Civil Judge, S.D. Panvel.