

ORDER BELOW EXH. 38 IN REG.CIVI SUIT NO.258/2012
(CNR NO. MHRG14-000554-2012)

1. Plaintiff has prayed for return of original agreement with receipt produced along with Exh.4. The plaintiff contended that for hearing time may be consumed. There are chances of missing original documents from the file of the court. Thus, it be returned to him. He assured that he will produce it as and when ordered by court.

2. Defendants have filed their say and contended that the application is false, frivolous thus, they denied the contents of the application. It is further contended that said suit is filed for harassing defendants. Hence, they prayed to reject the application.

3. Perused application, say and record of the case. Heard both sides.

4. I have gone through the provisions of Order XIII Rule 9 of C.P.C. In view of the proviso to Rule 9 of Order XIII of CPC, no qualification such as reason for return of documents etc is required to be satisfied by the applicant for such return. The document can be very well returned to the applicant or parties to the suit if such person is ready to abide by the conditions whatsoever imposed by the Court for its return. In the circumstances, I see no reason to refuse the plaintiff to return of such agreement. In the circumstances, following order is passed.

ORDER

1. Application is allowed vide provisions of Order XIII Rule 9 of C.P.C.
2. The original agreement with receipt produced along with Exh. 4be returned to the plaintiff on the condition that he shall file undertaking to produce the said original instrument whenever required as such by this Court.
3. The plaintiff shall file verified photo copy of said agreement on record.
4. Application is disposed of in terms of above order.

Place : Uran.
Date:- 16/04/2022

(Nilesh M. Wali)
Civil Judge, J.D. Uran.