



ORDER BELOW EXH.51
IN REGULAR CIVIL SUIT NO.97/2015
CNR MHSI040005822015
(Nagu Lambar v/s Ganpat Nikam)

Present application has been filed by the plaintiff to issue summons to Taluka Inspector of Land Record (Revenue), Sawantwadi to produce documents of survey No.92, *Hissa* no. 1/1 (i.e suit property) regarding Government *Aakarpad*. It is the contention of plaintiff that, on 14.03.2012 plaintiff has filed application regarding *Government Aakarpad* of present suit property. On 11.06.2022 T.I.L.R., Sawantwadi has sent letter to plaintiff and in that letter possession of plaintiff has been admitted. Hence, plaintiff prayed to issue witness summons to produce document.

2. Defendant has filed say at Exh.52. It is the contention of defendant that, the present suit is at stage of final argument. Plaintiff has closed his evidence on 03.12.2022. Hence, at this belated stage plaintiff cannot file application to produce documents. Hence, prayed to reject the application.

3. Heard Ld. Advocate for plaintiff and defendant at adequate length. Perused record. Plaintiff has filed present suit for simplicatory injunction on the ground of possession. It is the contention of plaintiff to issue witness summons regarding production of documents regarding *Aakarpad*. An *Aakarpad* is a land revenue document which shows original survey number, area, land classification and assessment of revenue. The present suit is not filed against the government and it is purely based on peaceful possession. It can be clearly seen that, plaintiff is not claiming title over the suit property. It is crystal clear that, for suit for injunction it is necessary to see the factual physical possession of the property as on the date of filing of the suit. *Aakarpad* does not establish physical possession. Therefore, the document is not

much necessary to decide issue in the present suit. Present suit is at stage of final argument since, 23.11.2023. Further, the suit is already fixed for final argument. It is the contention of plaintiff himself that, on 11.06.2022 T.I.L.R. Sawantwadi issued letter to plaintiff and in that letter possession of plaintiff was admitted, then after on 03.12.2022 plaintiff has closed his evidence and on 13.01.2025 plaintiff has filed present application at stage of final argument. In the application plaintiff has not mentioned a valid reason as to why this public document was not called for or produce during the trial stage. Therefore, considering the delay as well as not mentioning a valid reason for filing present application at be lated stage application deserve to be rejected. Hence, I pass the following order.

	<u>ORDER</u>
1.	Application at Exh.51 is hereby rejected.
2.	As per direction given by Hon'ble High Court old matters should be decide expeditiously. Present suit is more than 10 years old and already fixed for final argument. Therefore, Ld. Advocate for plaintiff and defendant are directed to argue on next date without unwarranted adjournments.
3.	Plaintiff and defendant to take note.

Date : 13.07.2026
Place : Kudal.

Sd/-
(N.A.Bakare)
Jt. Civil Judge, Junior Division, Kudal.