

CNR No :- MHSI100001902021



Regular Civil Suit No. 19/2021

Order Below Exhibit – 51

The plaintiff has filed the present application for directions to the defendant No. 1 to produce document.

02. It is contended that, the documents such as Release - deed Dtd.17.01.2008, Notarize power of attorney Dtd.26.07.2002, Notarize power of attorney Dtd. 24.05.2002 and registered Agreement to Sale Dtd.08.03.2021 as averred in the plaint are not specifically denied by the defendant No. 1 in his written statement. Yet, he has not produced these documents. As per Order-XII Rule -8 of The Code of Civil Procedure, 1908 (hereinafter referred as ‘CPC’ in short), plaintiff issued notice to the defendant to produce these documents. Accordingly, the defendant No. 1 be directed to produce the document before the Court.

03. The Ld. Advocate for defendant No. 1 objected the application contending that, the application be rejected as the same is not in conformity with the provision.

04. Perused the application and say. Heard Ld. Advocate for plaintiff and defendants. Ld. Advocate for plaintiff filed the written notes of argument at Exhibit-58.

05. It can be seen that, the defendant No. 1 have not denied the contents of this applications. Though it is contended in the say that, the application is not in conformity with the provision, he have not demonstrated as to how the application is not as per the

provisions. It can be seen that, along with list at Exhibit-54, plaintiff have produced on record the notice issued to the defendant No. 1 vide Order-XII Rule-8 of CPC. So also, the affidavit of service of notice is also filed at Exhibit-63. Though, it is contended in the provision of Order-XII Rule-8 of CPC that, such affidavit may be filed by the pleader or his clerk, it does not anywhere reflect the intention of the legislation that, such affidavit may not be filed by the party (plaintiff herein). Considering the same, the plaintiff have complied with the provision of Order-XII Rule-8 of CPC and hence, in the interest of justice, it would be appropriate to direct the defendant No. 1 to produce the document as contended in the application. Accordingly, the application deserves to be allowed. Hence, I proceed to pass the following :-

-:: ORDER ::-

1. Application is allowed with costs.
2. The defendant No. 1 shall produced the documents Release-deed Dtd.17.01.2008, Notarize power of attorney Dtd.26.07.2002, Notarize power of attorney Dtd.24.05.2002 and registered Agreement to Sale Dtd.08.03.2021 as more particularly mentioned in the application as well as the affidavit at Exhibit-63 till next date.

(Dictated and pronounced in open Court.)

Place : Dodamarg.
Date : 14/01/2026.

(Y. P. Bavkar)
Civil Judge (Junior Division),
Dodamarg.