



Order below Exh.39 in Civil M.A.No.54/2023
(Sanjay Karve & Anr. V/s. Dnyaneshwar Gadache)
(CNR NO.MHSN020004292023)

This is an application moved by opponent for production of certain documents. According to opponent, he seeks to produce the completion certificate procured from Sangli, Miraj and Kupwad Municipal Corporation for the properties bearing City Survey Nos.12770 and 12771. According to opponent, these documents are important for the purpose of leading the evidence. Accordingly, he prayed for allowing the production of said documents.

2. Applicant filed his say overleaf. He strongly contested the said application. According to him, the opponent has already filed his affidavit in lieu of examination in chief at Exh.33 on 24.06.2024. He was expected to file these documents before filing the concerned affidavit. However, he has not mentioned any reason for such delay in production of application. These documents were in the possession of opponent while filing the concerned affidavit. Even if the production is allowed, the said documents cannot be exhibited. Accordingly applicant prayed for rejection of application.

3. Perused the record. Heard both sides.

4. It appears from the record that this Court vide its detailed order dated 12.09.2024 had directed opponent to produce certain documents. It appears that, the opponent has complied with the same and has produced on record such documents. Although, the affidavit in lieu of examination in chief was filed prior to such production, however no adverse order has been yet passed against opponent which will barred him from leading the evidence. Further examination in chief is yet to be

recorded. Therefore, it will be proper in the interest of justice to allow the said application. Accordingly, I pass following order.

ORDER

1. Application at Exh.39 is allowed.
2. The production of documents with the list is hereby allowed subject to admissibility and proof.

Sangli
Date:-18.12.2024

(O. S. Shastri)
11th Joint Civil Judge Junior Division,
Sangli.

CERTIFICATE

I affirm that the contents of this P.D.F file judgment/order are same, word to word, as per the original judgment/order.

Name of Stenographer :- Rafik B. Samalewale, Stenographer
Name of Court :- **Shri. Onkar S. Shastri**
11th Joint Civil Judge (J.D.), Sangli.
Date of decision/typed :- 18.12.2024
Judgment/order signed by the :- 18.12.2024
PO. on
Judgment/order uploaded on :- 18.12.2024