

ORDER BELOW EXH. IN R.C.S. NO.84/2012

(Dhanaji Kadam V/s. Suresh Kadam)

1. The defendant no.16 has moved this application for production of documents. The plaintiff by filing say have strongly resisted this application on the ground that, it is a duty of the defendant to produce these documents at the time of evidence of the defendant.

2. Heard both sides.

3. I have gone through the contents of the application. The defendant no.16 has not at all mentioned in the application any proper reason that why that documents are not produced at initial stage of the proceeding. As per Order 8 Rule 1(a) of the Code of Civil Procedure where the defendant bases his defence upon a document or relies upon document in his possession or power in support of his defence or claim for set off or counter claim, he shall enter such documents in a list, and shall produce in the court when the written statement is presented by him and shall, at the same time delivered the document and copy thereof, to be filed with the written statement. If the document is not in his possession, he shall plead in whose possession or power the document is. The defendant has not set any aforesaid fact for non producing of document when the written statement is filed. Hearing of the suit is completed. The matter is at the

stage of final argument. The defendant has failed to give any proper reason for delay in filling documents. Therefore, application deserves to be rejected. Thus, I pass following order.

ORDER

The application is rejected.

Dated:- 02/03/2022

(P.R.Sabnis)
Jt.C.J.J.D.Kadegaon