

**ORDER BELOW APPLICATION (EXHIBIT 32) IN
MISCELLANEOUS CIVIL APPEAL NO. 30/2021
(SAMBHAJI VS. SAVITA & OTHS.)
(PASSED ON : 24/02/2023)**

Nature of the Application.

1. This is an application filed by the appellant seeking production of R.T.S. Application dated 30/03/2022 (for short 'document').

Contents in the Application.

2. The appellant has contended that the document is important and it is necessary, to allow him to produce the document, on record.

3. On these grounds, the appellant has prayed to grant the application.

Contents in the Say of the Respondent No. 6.

4. The respondent No. 6 has filed say.

5. The respondent has strongly objected the application. He has contended that the application is not legal and tenable. The document is not relevant and is filed to mislead the Court.

6. On these grounds, the respondent No. 6 has prayed to reject the application.

No Say of the Other Respondents.

7. The other respondents have failed to file say.

8. Hence, the application proceeded without say of the other respondents.

Arguments.

9. I have heard Shri. B. S. Salgar, advocate for the appellant and Shri. D. K. Bhosekar, advocate for the respondent No. 6, at length.

10. They argued in consonance with the contentions in the

application, keeping in mind the established principles of Law and referring the document produced on record.

11. In order to avoid repetition I will deal with their arguments at the time of discussing the reasons given on the points taken for consideration.

12. None other respondents appeared and argued.

Points and Findings.

13. Upon hearing, the following points arise for my consideration and I record my findings thereon as under for the reasons to follow :-

	Points	Findings
1)	Whether there is any sufficient cause to grant the application, as prayed for ?	Yes.
2)	What order ?	Application granted, As per final order.

Reasons as to Point Nos. 1 and 2.

14. The appellant has contended that it is necessary to allow production of the document.

15. The respondent No. 6 has strongly objected the application on the ground that no sufficient reason is shown to grant the application.

16. It is well settled principle in law that too technical or pedantic approach in cases of permitting any party to file document on record even at late stage is not called for. The Court have to adopt a justice oriented approach dictated by the upper most consideration that ordinarily a litigant ought not to be denied an opportunity of having lis

determined on merits unless he has, by gross negligence, deliberate inaction, or something akin to misconduct, dis-entitled itself from seeking the indulgence of the Court.

17. In my view, considering the nature of the allegations made against all the respondents it is necessary in the interest of justice to allow the appellant to produce the document on record.

18. Further, if the appellant is allowed to produce the document on record, the matter can be decided on merits and it will help to avoid multiplicity of proceeding. Therefore, also it is necessary to allow the appellant to produce the document on record

19. According to the appellant, it is necessary to allow him to produce the document on record, in my view, considering the nature of the allegations made against all the respondents an opportunity is required to be given to the appellant to produce the document on record, which will help to arrive at proper conclusion.

20. Above all, if the application is allowed no harm or injustice will be caused to all the respondents but it will help to decide this case on merit. Therefore, keeping in mind the legal principles supra, I am inclined to give an opportunity to the appellant to produce the document on record.

21. After giving thoughtful consideration to the facts of the case and the averments made by the appellant in this application I am of the considered view that for just decision of this case it is necessary to give an opportunity to the appellant to produce the document on record in order to find out the truth in the allegations made by him and all the respondents.

22. I am unable to persuade myself with the arguments advanced on behalf of the respondent No. 6 that the application is not

tenable, for the simple reason that a litigant ought not to be denied an opportunity of having his determined on merits and my findings, supra.

23. In short, relying on the principles discussed, supra and the facts and circumstances of the case, I am inclined to grant this application and allow the appellant to produce the document on record.

24. Accordingly, I answer Point No. 1 in the affirmative and Point No. 2 as application allowed, as per final order.

25. In the result the following order.

ORDER

1.	The application (Exhibit 32) is granted.
2.	The appellant is allowed to produce the R.T.S. Application dated 30/03/2022.
3.	The both parties to argue on the document.

(Pronounced in Open Court).

Dated : 24/02/2023.

(M. B. Lambe)
District Judge - 1,
Pandharpur.

C E R T I F I C A T E

I affirm that the contents of this PDF file Order is same word to word as per the original Order.

- (a) Name of the Stenographer : Sou. M. M. Kulkarni
- (b) Court : M. B. Lambe, District
Judge – 1 & Addl.
Sessions Judge, Pandharpur.
- (c) Order signed by P.O. on : 24/02/2023
- (d) Order uploaded on : 24/02/2023