



**ORDER BELOW APPLICATION (EXHIBIT 43) IN
MOTOR ACCIDENT CLAIM PETITION NO. 23/2019
(SHALAN VS. SACHIN & OTH.)
(PASSED ON : 25/07/2023)**

Nature of the Application.

1. This is an application filed by the opponent No. 2 seeking production of necessary documents in Crime Register No. 155/2018 (for short 'documents').

Contents in the Application.

2. The opponent No. 2 has contended that it is necessary, to allow it to produce the documents, on record. In the interest of justice the application deserves to be granted.

3. On these grounds, the opponent No. 2 has prayed to grant the application.

Contents in the Say of the Petitioner.

4. The petitioner has filed say and has strongly objected the application. The application is not legal and tenable.

5. On these grounds, the petitioner has prayed to reject the application.

Arguments.

6. I have heard advocate for the opponent No. 2 and advocate for the petitioner, at length.

7. They argued in consonance with the contentions in the application, say and referring the documents produced on record.

8. 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.

Points and Findings.

9. 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.

10. The opponent No. 2 has contended that it is necessary to allow production of the documents.

11. The petitioner has strongly objected the application on the ground that no sufficient reason is shown to grant the application.

12. It is well settled principle in law that too technical or pedantic approach in cases of permitting any party to file documents 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 his 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.

13. In my view, considering the nature of the allegations made against the opponent No. 2 it is necessary in the interest of justice to

allow the opponent No. 2 to produce the documents on record.

14. Further, if the opponent No. 2 is allowed to produce the documents 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 opponent No. 2 to produce the documents on record

15. According to the opponent No. 2, it is necessary to allow it to produce the documents on record, in my view, considering the nature of the allegations made against the opponent No. 2 an opportunity is required to be given to the opponent No. 2 to produce the documents on record, which will help to arrive at proper conclusion.

16. Above all, if the application is allowed no harm or injustice will be caused to the petitioner 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 opponent No. 2 to produce the documents on record.

17. After giving thoughtful consideration to the facts of the case and the averments made by the opponent No. 2 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 opponent No. 2 to produce the documents on record in order to find out the truth in the allegations made by it and the petitioner.

18. I am unable to persuade myself with the arguments advanced on behalf of the petitioner 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.

19. 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 opponent No. 2 to produce the documents on

record.

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

21. In the result the following order.

ORDER

1.	The application (Exhibit 43) is granted.
2.	The opponent No. 2 is allowed to produce necessary documents in Crime Register No. 155/2018.

(Pronounced in Open Court).

Dated : 25/07/2023.

(M. B. Lambe),
Ex Officio Member, M.A.C.T.
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	:	25/07/2023
(d)Order uploaded on	:	25/07/2023