



**ORDER BELOW APPLICATION (EXHIBIT 26) IN
LAND ACQUISITION REFERENCE NO. 97/2021
(STATE VS. CHANDRASHEKHAR & OTHS.)
(PASSED ON : 17/01/2023)**

Nature of the Application.

1. This is an application filed by the respondent No. 1- Chandrashekhar Mahadeo Patil (for short 'respondent') seeking production of documents mentioned in the annexed list (for short 'documents').

Contents in the Application.

2. The respondent has contended that it is necessary, to allow him to produce the documents, on record.
3. On these grounds, the respondent has prayed to grant the application.

Contents in the Say of the Respondent Nos. 4 to 6.

4. The respondent Nos. 4 to 6 (for short 'other respondents') have filed say.
5. The other respondents have strongly objected the application. They have contended that the application is not legal and tenable. No sufficient reason is shown to grant the application.
6. On these grounds, the other respondents have prayed to reject the application.

Arguments.

7. I have heard advocate for the respondent and advocate for the other respondents, at length.

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

9. 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.

10. 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.

11. The respondent has contended that it is necessary to allow production of the documents.

12. The other respondents have strongly objected the application on the ground that no sufficient reason is shown to grant the application.

13. 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 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.

14. In my view, considering the nature of the allegations made against the appellant and the other respondents it is necessary in the interest of justice to allow the respondent to produce the documents on record.

15. Further, if the respondent 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 respondent to produce the documents on record.

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

17. Above all, if the application is allowed no harm or injustice will be caused to the appellant and the other 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 respondent to produce the documents on record.

18. After giving thoughtful consideration to the facts of the case and the averments made by the respondent 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 respondent to produce the documents on record in order to find out the truth in the allegations made by the other respondents and the appellant.

19. I am unable to persuade myself with the arguments advanced on behalf of the appellant 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.

20. 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 respondent to produce the documents on record.

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

22. In the result the following order.

ORDER

1.	The application (Exhibit 26) is granted.
2.	The respondent is allowed to produce the documents mentioned in the list annexed to the documents.

(Pronounced in Open Court).

Sd/-

Dated : 17/01/2024.

(M. B. Lambe)
Additional Sessions Judge,
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 : 17/01/2024
- (d) Order uploaded on : 18/01/2024