

Order below Exh.189 in Regular Civil Suit No. 272/2019

1. Defendant No.2 has filed this application for producing two documents on record listed below Exh. 189.

2. As per the defeating No.2, plaintiff Hanmant Pawar and Defendant Gulab Pawar had sold their crops of sugarcane to a sugar-factory. They have also received payment for having sold the sugar cane crop. By this application, the bill issued by the sugar-factor in the name of plaintiff Hanmant Pawar and defendant Gulab Pawar is prayed to be taken on record. The said bill is obtained by the advocate for defendant No.2 by issuing a notice to the sugar factory. The copy of said notice is also prayed to be taken on record by vide this application.

3. The plaintiff strongly opposes this application. The learned advocate appearing for him objects the production on the ground that the copy of bill is not an authenticate document. It does not bear the name of sugar factory. The name of signatory on the bill is not mentioned. The bill is issued by which sugar factory, its name is not mentioned. The name of plaintiff and defendant are mentioned without specifying as to from which Gat numbers the crop of sugarcane is taken from their filed. Thus, the bill is not an authentic document. A doubt is also raised as to how during the

pendency of trial, defendant No.2 could obtain the bill. Accordingly, the application is prayed to be rejected.

4. Defendant Gulab Pawar also strongly opposes this application. Learned advocate for him argues that the alleged bill proposed to be produced is a false and forged document. It is not issued upon the letter head of the sugar factory. It does not bear rubber stamp of the factory. So also, the copy of letter issued by the learned advocate for the defendant No.2 is doubted. It is the strong objection as to how one can issue a notice when a suit regarding the property is pending before the court. Accordingly, the application is prayed to be rejected.

5. This application is for simplicitor production of documents. Defendant No.2 does not pray for exhibiting the documents proposed to be produced. He simplicitor prays for producing these documents. What the plaintiff and defendant Gulab Pawar is trying to emphasize upon is the authenticity of the documents proposed to be produced. This is not the stage wherein authenticity of the documents proposed to be filed is to be determined. The evidentiary value of these documents would be decided at the time of evidence, whereby the defendant as well as the plaintiff would get an opportunity to cross-examine the witness

in case if the document is proved strictly in accordance with law. The arguments and objections raised by the plaintiff and defendant are, thus, not maintainable. The application for simplicitor production of documents is required to be allowed. Hence, I pass the following order.

A- Application is allowed.

B- Simplicitor production of documents is allowed.

Date : 20.01.2025

Swayam S. Chopda.
Jt. C.J.J.D. Pandharpur.

CERTIFICATE

I affirm that, the contents of this PDF file Judgment/Order are same word to word, as per the original Judgment / Order.

Court : Jt. C. J. J. D. Pandharpur.

Name of Stenographer : R.M.Gogi.

Date : 20.01.2025

Judgment/Order signed by
the Presiding Officer on : 20.01.2025

Judgment/Order uploaded on : 21.01.2025