

Specific Civil Suit No. 6/2015

Rukmini Deshmukh vs. Ganpat Mahadik
CNR No. MHSO100000812015

ORDER BELOW EXH.115

Witness No. 3 for plaintiff has submitted this application that production of documents may be allowed. He wants to file some important documents which are necessary to meet the ends of justice. Therefore, production may be allowed.

2. To this application, defendants No. 2 and 3 have submitted their say below Exh.117 that the witness which he wants to file documents are neither relating to him nor to his wife, therefore, production may be rejected. Evidence of plaintiff No. 1 is closed. It is not permissible under Order VII of the Code of Civil Procedure to produce documents during evidence of plaintiff's witness No. 3. There is bar of Order XIII of the Code of Civil Procedure. Hence, application be rejected.
3. The learned advocate of defendant No. 2 and 3 submits that, as per Order XIII of the Code of Civil Procedure, this witness should have submitted documents before settlement of issues. But, after evidence of plaintiff, his witness wants to file documents which are not relevant. Learned advocate of defendants No. 2 and 3 has brought my attention to evidence by way of affidavit which has been submitted by witness No. 3 and submits that the present documents which he wants to file are neither he is author of it nor are relating to him. On

the other hand, learned advocate of plaintiff submits that these documents are relevant, which witness No. 3 wants to file. I have perused the record. The suit is for specific performance of contract. The witness wants to file some documents which are relating to money transactions, more particularly copies of F.D., income tax returns, acknowledgements. So, considering nature of suit and documents, these documents are relevant to subject matter of the suit. Witness No. 3 is neither writer nor signatory authority of these documents. He only claims that production may be allowed. Therefore, by allowing this application no prejudice will be caused. On the other hand, as this Court is a fact finding court, true facts will be come on record. Therefore, I pass the following order :-

ORDER

1. Production is allowed.
2. Costs in cause.

Place - Malshiras.
Date - 04/03/2023.

(**U. V. Joshi**)
Civil Judge Senior Division,
Malshiras.