


MHSO200016802021 	<u>R.C.S. NO. 368/2021</u>
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**ORDER BELOW EXH. NO. 28**

The plaintiff filed present application for the purpose of seeking a direction to defendant No. 1 to produce on record the original copy of the will-deed dated 13/05/2021.

2. It is the contention of the plaintiff that, plaintiff has filed suit for partition, separate possession and declaration that, will-deed dated 13/05/2021 is not binding over him. Plaintiff has objected to the alleged will-deed executed by the defendant by taking disadvantage of the health condition of his father. Said will-deed is in the possession of the defendant No. 1. Hence, he prayed that, direction may be issued to the defendant No. 1 for producing the alleged will-deed on record.

3. The defendant No. 1 filed his say overleaf and objected the plaintiff's application. The defendant No. 1 contended that, the plaintiff failed to serve formal notice to the defendant No. 1. Hence, this application is not tenable and deserves to be rejected.

4. Heard both sides. Perused the record. It appears that, plaintiff initially filed the suit for partition and separate possession. Which was later amended and relief of declaration against the will-deed dated 13/05/2021 was included with respect to one of the suit property. Hence, the alleged will-deed is question appears to be one of the foundation of

the plaintiff's claim. Furthermore, the defendant No. 1 has raised objection with respect to non service of notice, but has not explicitly denied the existence and possession of the alleged will-deed. Furthermore, defendant No. 1 has admitted in his written-statement below Exh. 11 about execution and existence of said will-deed dated 13/05/2021. In such scenario considering the fact that, the will-deed in question is important document for the adjudication of the suit on merit, it would be just and appropriate by virtue of Order 11 Rule 14 of C.P.C. to direct the defendant No. 1 to produce the alleged will-deed on record. Hence, the following order ;

**ORDER**

1. Application is allowed.
2. The defendant No. 1 is directed to produce the original copy of the alleged will-deed dated 13/05/2021 on record on or before next date.

Date :- 17/04/2026.

**(S. S. Salunkhe)**  
2<sup>nd</sup> Jt. Civil Judge J.D., Sangola.

**CERTIFICATE**

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

Name of Stenographer	: V. A. Dange
Court	: 2 <sup>nd</sup> Jt. Civil Judge J. D., Sangola
Date	: 17/04/2026
Order signed by the P. O.	: 17/04/2026
Order Uploaded on	: 17/04/2026