

MHST-0500-0024-2014

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD

ORDER BELOW EXH.127

IN

Spl.C.S. No.7/2014

1. Shri.Krishna Babu Kakade & Ors.	...Plaintifs.
<i>Versus</i>	
1. Shri. Babu Yashwant Kakade & Ors.	...Defendants.

Advocate Shri. U. L. Patil for the plaintiffs.

Advocate Shri. C. M. Mohite for the defendants.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date : 23/08/2024

ORAL ORDER :

This is an application filed by the Ld. Advocate for the plaintiff for permission to produce the documents mentioned in the document list annexed with present application on record.

2. Perused the application and handwritten say given by Ld. Advocate for the defendants on application overleaf. Heard Ld. Advocates for both side.

3. It appears from the record that plaintiffs have filed present suit against defendants for partition and perpetual injunction on the grounds specifically mentioned in the plaint. After service of writ of summons defendants appeared before the Court and filed their written statement. My Ld. Predecessor has framed issues. On behalf of plaintiff affidavit of examination in chief is on record. During pendency of suit time to time amendments sought, which were allowed and necessary amendments were carried out by the

plaintiffs. As per roznama applications below Exh.126 and 114 are pending for hearing. Thereafter, on behalf of plaintiffs their advocate has filed present application for production of documents. As per the contents of present application, the documents mentioned in documents list are important for the determination of real question involved in the interim pending applications. Hence, the application.

4. After perusal of the contents of present application, it appears the alleged documents are necessary to determine the real question in controversy involved in the interim pending application. If present application allowed, no prejudice would be caused to the defendants. Defendants can get an opportunity to file their say and refer or rebut the documents at the time of argument. The said documents are related to the issues involved in the interim application and the real controversy between the parties. It appears from record that whatever documents produced alongwith present application and with document list were not produced at earlier stage, therefore, plaintiffs are seeking permission from the Court to produce it alongwith present application. As per O. VII R.14 sub-clause (3) of the Code of Civil Procedure, 1908, a document which ought to be produced in Court by the plaintiff when the plaint is present, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without leave of Court, be received in evidence on his behalf at the hearing of the suit. Whatever documents produced by the plaintiffs alongwith the present application and document list are the documents on which they want to rely, to support argument of interim applications. The said documents are necessary for the purpose of determining the real question in controversy between the parties in the interim

applications. Moreover, it is necessary to give full and fair opportunity to both the parties to prove their contentions in the main petition and its say or to give opportunity to both the parties to produce documents on which they want to rely for hearing the interim applications. Therefore, I found substance in the submission made in the present application. Hence, I proceed to pass the following order.

ORDER

1. Application Exh.127 is allowed as follows.
2. Permission is granted to the plaintiffs to produce the documents mentioned in the document list along with present application on record which are in support of their pleadings.

Date : 23/08/2024.
Place-Karad.

[S. B. Todkar]
Civil Judge S.D. Karad.