

CNR NO.MHST-0500 0007 1991

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD

ORDER BELOW EXH. 210

IN

R.C.S. NO.194 OF 1991

Prakash Jagannath Jadhav

...Plaintiff.

Versus1. Jagannath Bapu Jadhav
deleted since deceased

...Defendants.

1A. Prakash Jagannath Jadhav & Ors.

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

Advocate Shri. M. S. Bhosale for the defendant Nos.5 & 6

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

This is an application filed by Ld. advocate for the defendant Nos.5 and 6 for permission to produce the documents mentioned in the document list Exh.211 on record.

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

3. It appears from the record that plaintiff has filed suit against defendants for partition, possession 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. Plaintiff has filed his evidence. His cross examination is taken by the Ld. Advocate for defendant Nos.1 to 4. Cross examination of plaintiff is going on on behalf of defendant Nos. 5 and 6 by their Ld. Advocate. Meanwhile

present application is filed by Ld. Advocate for defendant Nos.5 and 6 for production of documents on record. As per the contents of present application, the documents mentioned in documents list Exh.211 are important for the determination of real question involved in the suit, cross examination of witness and these documents are not new to the plaintiff. 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 suit. If present application allowed, no prejudice would be caused to the plaintiff. Plaintiff can get an opportunity to file his say and refer or rebut the documents at the time of argument. The said documents are related to the issues involved in the suit and the real controversy between the parties. It appears from record that whatever documents produced alongwith present application and with document list Exh.211 were not produced at earlier stage, therefore, defendants are seeking permission from the Court to produce it alongwith present application. As per Order VIII Rule 1-A sub-clause (3) of the Code of Civil Procedure, 1908, a document which ought to be produced in Court by the defendant under this Rule, but, is not so produced shall not, without the leave of the Court be received in evidence in his behalf at the hearing of the suit. Whatever documents produced by the defendant Nos.5 and 6 alongwith the present application and document list Exh.211 are the documents on which they want to rely, to support contentions in the written statement. The said documents are necessary for the purpose of determining the real question in controversy between the parties in the suit. Moreover, it is necessary to give full and fair opportunity to both the parties to prove their contentions in the suit and their written statement or to give opportunity to both the parties to produce documents on which they want to rely for cross examination of the

witness and final argument 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.210 is allowed as follows.
2. Permission is granted to the defendant Nos.5 and 6 to produce the documents mentioned in the document list Exh.211 on record which are in support of their pleadings.

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

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