

CNR No.MHST-0500-0085-2025

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD
ORDER BELOW EXH.50
IN
SPL.C.S. NO.10 OF 2025

1. Shrimant Anandarao Kadam & Ors.	...Plaintiffs.
<i>Versus</i>	
1. Swati Appaso Kadam & Ors.	...Defendants.

Advocate Shri. A. R. Dange for the plaintiffs.

Advocate Shri. P. B. Patil for defendants.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date : 12/09/2025

ORAL ORDER :

This is an application filed by the Ld. Advocate for the plaintiffs for permission to produce the document mentioned in the document list Exh.51 on record.

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

3. It appears from the record that the plaintiffs have filed present suit against defendants for partition and separate possession etc. on the grounds specifically mentioned in the plaint. After service of writ of summons defendant Nos.1, 3 and 6 appeared. During pendency of the suit defendant No.4 Savitra Namdev Kadam expired on 12/04/2025, therefore, the Ld. advocate for the plaintiffs filed an application below Exh.48 to bring the legal heirs of deceased defendant on record/ for deletion of the name of the deceased

defendant from the title cause of the plaint. Thereafter, present application is filed for production of document. As per the contents of present application and argument of Ld. Advocate of plaintiffs the document mentioned in document list Exh.51 is important for the determination of real question involved in the interim application and suit. Hence, the application.

4. After perusal of the contents of present application and the argument advanced by Ld. advocate for the plaintiffs, it appears the alleged document is necessary to determine the real question in controversy involved in the interim applications and suit. 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 document at the time of hearing of the interim applications and suit. The said document is related to the issues involved in the interim applications and suit. It appears from record that whatever document produced alongwith present application and with document list Exh.51 was not produced at earlier stage or at the time of presentation of plaint, 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 document produced by the plaintiffs alongwith document list Exh.51 is the document on which they want to rely, and to support their hearing at the time of interim applications and suit. Therefore, it is necessary to give full

and fair opportunity to both the parties to prove their contentions in the plaint and written statement, application and their say. Therefore, I found substance in the submission made in the present application. Hence, I proceed to pass the following order.

ORDER

1. Application Exh.50 is allowed as follows.
2. Permission is granted to the plaintiffs to produce the document which is mentioned in document list Exh.51 which is in support of their contentions in the interim application and suit, and plaintiffs want to rely at the time of hearing of the interim application and suit.

Date : 12/09/2025.

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