

R.C.S.No. 71/2012
CNR No.-MHST05-000195-2012)

ORDER BELOW EXH. 120

Present application is filed by the plaintiff for issuing direction to the defendant for filing his account extract of the year 2007-2008 in present suit. It is contended that, in present suit the defendant has sold shares to one broker named as Motilal Oswal. Due to said sale of shares its sale amount came to be deposited in the account of the defendant. As such the said amount deposited by sale of shares and its account extract is necessary for the plaintiff. As such the plaintiff is praying that, the defendant be directed to file his account extract of the year 2007-2008 on the record.

02. on present application objection is taken that the relevant document is not in possession of the defendant. It is further contended that the bank's winding up is going on and as such it is not possible to obtain the documents from the concern bank. The plaintiff has filed this application only with intent to prolong the matter. All the requisite information is already filed on record and plaintiff has the knowledge of same, as such he prayed to reject the application.

03. Heard both learned counsels. It is the contention of plaintiff that, to know the exact sale price of shares the account extract of defendant of the year 2007-2008 is required. Now, I

have perused the record which shows that, plaintiff has done amendment on 03/11/2015 and by which the plaintiff has pleaded the sale value of share to the tune of Rs. 9,90,000/-. Thus, it appears that, plaintiff has knowledge about the exact shares sale price. Further, whatever document the plaintiff requires can take necessary steps and may even lead evidence upon it and for such thing direction cannot be given to defendant. Accordingly, following order :-

ORDER

Application stands rejected.

Karad.
Date :- 12/04/2024.

(Smt. S.Y. Deshmukh)
Jt. Civil Judge Senior Division,
Karad.