

MHST-0500-0307-2022

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD**ORDER BELOW EXH.30 IN SUCCESSION No.88/2022**

Smt. Anusaya Shivram Chavan	.. Applicant
<i>Versus</i>	
1. Shri. Shrirang Shivram Chavan & Ors.	...Respondents

Advocate Shri. A. S. Kale for the applicant.

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

Coram : S. B. Todkar,

C.J.S.D. Karad.

Date : 06/02/2026

ORAL ORDER :

This is an application for production of document.

2. Perused the application and say. Heard both side.

3. It appears from the record that applicant has filed present petition for succession certificate under Bombay Regulation Act. After service of notice respondents appeared before the Court and filed their reply. Court has framed issues/ points for determination. Applicant has filed her examination in chief. When matter was pending for cross examination of applicant during the pendency of hearing of the main application respondent No.1 expired, to that effect their advocate have filed pursis below Exh.29 on record. Thereafter present application is filed.

4. After perusal of the contents of present application and argument of the Ld. advocate for the applicant, the alleged document is necessary to determine the real question in controversy involved in the interim application and main petition. If present application allowed, no prejudice would be caused to the respondents. Respondents can get an opportunity to file their say and refer or rebut the documents at the time of argument. The said document is

related to the issues involved in the interim application, original petition and the real controversy between the parties. It appears from record that whatever documents produced alongwith document list Exh.31 was not produced at earlier stage, therefore, applicant is 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 applicant alongwith document list Exh.31 is the document on which she wants to rely, to support her evidence. The said document is necessary for the purpose of determining the real question in controversy between the parties in the interim application and main petition. 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 application and main petition. Therefore, I found substance in the submission made in the present application. Hence, I proceed to pass the following order.

ORDER

1. Application Exh.30 is allowed as follows.
2. Permission is granted to the applicant to produce the document mentioned in the document list Exh.31.

Date : 06/02/2026.
Place-Karad.

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