

CNR No.MHST-0500-0435-2006

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD
ORDER BELOW EXH.69
IN
R.C.S. NO.212 OF 2006

1. Ganesh Vasant Koli & Anr.	...Plaintiffs.
<i>Versus</i>	
1. Ramchandra Ganpati Koli Deleted since deceased 2. Vasant Ganpati Koli Deleted since deceased 3. Kisabai Ganpati Koli Deleted since deceased 4. Akkatai Ravsaheb Koli & Ors.	...Defendants.

Advocate Shri. V. D. Garud for the plaintiffs.

Advocate Shri. S. M. Salunkhe for the defendants.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date :23/09/2025

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.69A on record.

2. Perused the application and handwritten say given by holding 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, separate possession and perpetual injunction etc. on the grounds specifically mentioned in the plaint. After service of writ of summons defendants appeared

and filed their written statements. My then the Ld. Predecessor framed issues. During pendency of suit defendant No.1 expired. Plaintiffs have filed necessary interim applications to bring the legal heirs of deceased defendant No.1 on record. 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. 69A 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.69A 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.69 is allowed as follows.
2. Permission is granted to the plaintiffs to produce the document which is mentioned in document list Exh.69 which is in support of their contentions in the interim applications and suit, and plaintiffs want to rely at the time of hearing of the interim applications and suit.

Date : 23/09/2025.

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