

CNR No.MHST-0500-0435-2006

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD
ORDER BELOW EXH.75 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. N. B. Bamane for the plaintiffs.
Advocate Shri. S. M. Salunkhe for the defendants.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date :10/02/2026

ORAL ORDER :

- This is an application for production of document.
2. Perused the application and say. Heard both side.
 3. As per the argument of the Ld. Advocate for the defendant No.7 that, the document mentioned in document list Exh.76 is important for the determination of real question involved in the suit. Hence, the application.
 4. 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. After perusal of the contents of present application and the argument advanced by Ld. advocate for the defendant No.7,

it appears the alleged document is necessary to determine the real question in controversy involved in the suit. If present application allowed, no prejudice would be caused to the plaintiffs. Plaintiffs can get an opportunity to file their say and refer or rebut the document at the time of hearing of the suit. The said document is related to the issues involved in the suit. It appears from record that whatever document produced alongwith present application and with document list Exh.76 was not produced at earlier stage or at the time of presentation of written statement, therefore, defendant No.7 is 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 document produced by the defendant No.7 alongwith document list Exh.76 is the document on which he wants to rely, and to support his hearing at the time of 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. Therefore, I found substance in the submission made in the present application. Hence, I proceed to pass the following order.

ORDER

1. Application Exh.75 is allowed as follows.
2. Permission is granted to the defendant No.7 to produce the document mentioned in the document list Exh.76 on record.

Date : 10/02/2026.

Place - Karad.

[S. B. Todkar]

Civil Judge S.D. Karad.