

CNR No.MHST-0500-0444-2007

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD**  
**ORDER BELOW EXH.151**  
**IN**  
**R.C.S. NO. 83 OF 2007**

Shri. Mahesh Krushnrao Nikam	...Plaintiff.
<i><b>Versus</b></i>	
1. Smt. Akkatai Sopan Hadgire & Ors.	...Defendants.

Advocate Shri. S. M. Salunkhe for the plaintiff.  
AGP Shri. N. B. Bamane for defendant Nos.5 and 6.

Coram : S. B. Todkar,  
C.J.S.D. Karad.  
Date : 02/05/2025

**ORAL ORDER :**

This is an application filed by Ld. advocate for the defendant Nos.5 and 6 for permission to produce the documents mentioned in the document list Exh.152 on record.

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

3. It appears from the record that plaintiff has filed suit against defendants for perpetual injunction on the grounds specifically mentioned in the plaint. After service of writ of summons defendants appeared before the Court and filed their written statement alongwith counter-claim. Court has framed issues. Plaintiff has filed his evidence and evidence close pursis. Defendants are filing their evidence. Meanwhile, during hearing of the suit the plaintiff has filed an

application below Exh.136 for temporary injunction. The defendant Nos.5 and 6 filed their say at Exh.149. When matter is pending for hearing on temporary injunction application at that time present application is filed. As per the contents of present application, the documents mentioned in document list Exh.152 are important for the determination of real question involved in the pending interim application. Hence, the application.

4. After perusal of the contents of present application, it appears the alleged documents are necessary to determine the real question in controversy involved in the interim application. If present application allowed, no prejudice would be caused to the plaintiff. Plaintiff can get an opportunity to file his say and refer or rebut the document at the time of argument. The said documents are related to the issues involved in the interim application and the real controversy between the parties. It appears from record that whatever documents produced alongwith present application and with document list Exh.152 were not produced at earlier stage, therefore, defendants are 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 documents produced by the defendant Nos.5 and 6 alongwith the present application and document list Exh.152 are the documents on which they want to rely, to support contentions in the say given by them to the interim application. The said documents are necessary for the purpose of determining the real question in

controversy between the parties in the interim application. Moreover, it is necessary to give full and fair opportunity to both the parties to prove their contentions in the application and say for the argument hearing the interim application. Therefore, I found substance in the submission made in the present application. Hence, I proceed to pass the following order.

**ORDER**

1. Application Exh.151 is allowed as follows.
2. Permission is granted to the defendant Nos.5 and 6 to produce the documents mentioned in the document list Exh.152 on record which are in support of their pleadings.

Date : 02/05/2025.  
Place - Karad.

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