

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD
ORDER BELOW EXH.65 IN Civil M.A. NO.103 OF 2025

Smt. Jyoti Somanath Gurav & Ors. ...Applicants.

Versus

1. Smt. Malan Nivrutti Gurav & Ors. ...Respondents.

Advocate Shri. V. P. Mule for the applicants.

Advocate Shri. B. J. Shinde for the respondent No.1.

Advocate Shri. N. B. Jadhav for the respondent Nos.2 & 3

Coram : S. B. Todkar,

C.J.S.D. Karad.

Date : 20/12/2025

ORAL ORDER :

This is an application for production of documents.

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

3. It appears from the record that applicant has filed application against nobody for succession certificate on the grounds specifically mentioned in the application. After citation and publication respondents appeared before Court and resisted the application. My Ld. Predecessor has framed issues at Exh.56 dtd.16.04.2024. Applicants have adduced their evidence and closed their evidence. When matter was kept for adducing the evidence of respondents at that time, they have filed present application for the production of documents.

4. As per the argument of Ld. Advocate for the respondent Nos.2 and 3 they by way of present application seeking permission to produce documents, which are helpful to them at the time of final hearing of application. The alleged documents are necessary to determine the real question in controversy involved in the main application. If present application allowed, no prejudice would be caused to the applicants. Applicants can get an opportunity to argue on these documents. The said documents are related to the issues involved in the main application. It appears from record that whatever

documents produced alongwith Exh.66 application were not produced by the respondent Nos.2 and 3 at earlier stage, therefore, they 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 respondent Nos.2 and 3 alongwith the Exh.66 document list are the documents on which they wants to rely, to support their final hearing. The said documents are necessary for the purpose of determining the real question in controversy between the parties in the main application. Moreover, it is necessary to give full and fair opportunity to both the parties to prove their contentions in the application or reply. Therefore, I found substance in the submission made in the present application. Hence, I proceed to pass the following order.

ORDER

1. Application is allowed.
2. Permission is granted to the respondent Nos.2 and 3 to produce the documents mentioned in document list Exh.66.

Date : 20/12/2025.

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