

CNR NO.MHST-0500 0493 2008  
**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD**  
**ORDER BELOW EXH.132**  
**IN**  
**R.C.S.No.188/2008**

Mr. Ashok Rajaram Patil	...Plaintiff.
<i><b>Versus</b></i>	
1. Mr. Jaywant Rajaram Patil & Anr.	...Defendants.

Advocate Mr. J. D. Ingawale for the plaintiff.  
Advocate Mr. A. T. Ghate for the defendants.

Coram : S. B. Todkar,  
C.J.S.D. Karad.  
Date : 05/03/2026

**ORAL ORDER :**

- This is an application for production of document.
2. Perused the application and say. Heard all sides.
  3. As per the contents of present application and argument of Ld. Advocate for the plaintiff the document mentioned in document list in Exh.133 is important to decide to real controversy between the parties in the suit and issue involve in interim applications filed by the plaintiff below Exh.134, 136 and 138. Hence the application.
  4. It appears from the record that, the plaintiff has filed suit against the defendants for partition, separate possession and perpetual injunction etc. on the grounds specifically mentioned in the plaint. After service of writ of summons defendant No.2 appeared before Court and filed his written statement at Exh.33, defendant No.1 filed his written statement at Exh.50 and his counter claim at Exh.75. Court has framed issues at Exh.34 on 15/01/2010 and framed additional issues on 08/04/2015.

Thereafter plaintiff has filed his affidavit in chief. During pendency of suit defendant No.1 Jaywant Rajaram Patil expired, to that effect the Ld. Advocate for the defendants filed pursis at Exh.130 and 131. Thereafter on behalf of the plaintiff applications below Exh.134, 136 and 138 filed for condonation of delay, abatement of set aside and to bring the legal heirs of deceased defendant on record. Those applications are pending for hearing. Under these circumstances, if present application allowed, no prejudice would be caused to the defendants. They can get an opportunity to file their say and refer or rebut the said document at the time of hearing of the interim applications. The said document is related to the issues involved in the interim applications. It appears from record that whatever document produced alongwith document list Exh.133 was not produced at earlier stage, therefore plaintiff 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 plaintiff alongwith the document list Exh.133 is the document on which the plaintiff wants to rely, to support the hearing of interim applications. The said document is necessary for the purpose of determining the real question in the interim applications. Therefore, I found substance in the submission made in the present application. Hence, I proceed to

pass the following order.

**ORDER**

1. Application Exh.132 is allowed.
2. Permission is granted to the plaintiff to produce the document mentioned in the document list Exh.133 on record.

Date : 05/03/2026.  
Place-Karad.

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