

**MHST-0500-0594-2024****IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD****ORDER BELOW EXH.12****IN****Spl. Darkhast No.27/2024**

1. Shri. Mansing Kisan Sutar & Anr.	...D.H.'s
<b><i>Versus</i></b>	
1. Ramesh Bhanudas Sutar & Ors.	...J.D.'s

Advocate Shri. A. R. Dange for the D.H.

Advocate Shri. M. V. Patil for the J.D.

Coram : S. B. Todkar,  
C.J.S.D. Karad.  
Date : 09/08/2024

**ORAL ORDER :**

This is an application filed by the Ld. Advocate for the D.H. for permission to produce the documents mentioned in the document list Exh.13 on record.

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

3. It appears from the record that D.H. have filed present execution application against the J.D. for the execution of decree on the grounds specifically mentioned in the application. After service of notices J.D.'s appeared before the Court. Matter is pending for reply of the J.D.'s to the execution application. Thereafter, on behalf of D.H. their advocate has filed application below Exh.12 for production of documents mentioned in the document list Exh.13. As per the contents of present application, the documents mentioned in

documents list Exh.13 are important for the determination of real question involved in the interim pending applications. 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 application. If present application allowed, no prejudice would be caused to the J.D.'s. J.D.'s can get an opportunity to file their reply and refer or rebut the documents 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.13 were not produced at earlier stage, therefore, D.H. 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 documents produced by the plaintiff alongwith the present application and document list are the documents on which he want to rely, to support argument of interim applications. The said documents are necessary for the purpose of determining the real question in controversy between the parties in the interim applications. Moreover, it is necessary to give full and fair opportunity to both the parties to prove their contentions in the main petition and its say or to give opportunity to both the parties to

produce documents on which they want to rely for hearing 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.12 is allowed as follows.
2. Permission is granted to the D.H. to produce the documents mentioned in the document list Exh.13 on record which are in support of his pleadings.

Date : 09/08/2024.  
Place-Karad.

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