

CNR No.MHST-0500-1002-2024

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD
ORDER BELOW EXH.21**

**IN
SUMMARY SUIT NO.23/2024**

Mr. Mahadev Dhondiram Kadam	...Plaintiff.
<i>Versus</i>	
Mr. Rajendra Bhimrao Gaikwad.	...Defendant.

Advocate Mr. P. B. Patil for the plaintiff.

Advocate Mr. B. B. Jadhav for the defendant.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date : 29/11/2025

ORAL ORDER :

This is an application for production of documents on behalf of the defendant.

2. Perused the application and say. Heard for both side.

3. It appears from the record that plaintiff has filed present suit against defendants for recovery of amount on the grounds specifically mentioned in the plaint. After service of summons upon defendant, he appeared before Court and sought adjournment for filing written statement. Plaintiff has filed his affidavit of examination in chief. Defendant has filed application for condonation of delay and to take written statement on record, which is rejected by this Court on 05/08/2025 on the ground that it is filed at premature stage. Thereafter, plaintiff has filed application for issuance of judgment summons. Defendant voluntarily accepted that summons appeared before Court and filed application below Exh.19 for leave to defend. That application is pending for hearing. Thereafter, on behalf of defendant present application is filed.

4. After perusal of the contents of present application and the argument advanced by Ld. advocate for defendant, it appears the documents are necessary to determine the real question in controversy involved in the application of leave to defend. 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 documents at the time of hearing of the application of leave to defend. The said documents are related to the issues involved in the suit and the real controversy between the parties in the application of leave to defend. It appears from record that whatever documents produced alongwith present application and with document list attached with the application were not produced at earlier stage or at the time of appearance before the Court, therefore, defendant 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 documents produced by the defendants alongwith document list Exh.22 are the documents on which he want to rely, and to support his hearing of the application of leave to defend. 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.21 is allowed as follows.

2. Permission is granted to the defendant to produce the documents mentioned in the document list Exh.22 on record which are in support of his application of leave to defend.

Date : 29/11/2025.

Place - Karad.

[S. B. Todkar]

Civil Judge S.D. Karad.