

**CNR MHST-0500-1622-2024****IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD****ORDER BELOW EXH.52****IN****Spl.C.S. No.104/2024**

|                                           |                |
|-------------------------------------------|----------------|
| Shri. Vijay Jaysing Phadtare & Ors.       | ...Plaintiffs. |
| <b><i>Versus</i></b>                      |                |
| 1. Shri. Jaysing Ganpati Phadatare & Ors. | ...Defendants. |

Advocate Mr. S. V. Thorat for the plaintiff.

Advocate Shri. R. D. Kadam for the defendant Nos.3 and 4.

Coram : S. B. Todkar,  
C.J.S.D. Karad.  
Date : 17/09/2025

**ORAL ORDER :**

This is an application filed by the Ld. Advocate for the plaintiffs for permission to produce the documents mentioned in the document list Exh.53 on record.

2. Perused the application and handwritten say given by Ld. Advocate for the defendant Nos.3 and 4 on application overleaf. Heard Ld. Advocates for the both side.

3. It appears from the record that the plaintiffs have filed present suit against defendants for partition, separate possession, declaration, injunction etc. on the grounds specifically mentioned in the plaint. After service of writ of summons defendant Nos.3 and 4 and filed their say cum written statement at Exh.42. The plaintiffs have filed temporary injunction against defendant Nos.3 and 4 at Exh.5, which is pending. Meanwhile, plaintiffs have filed present application. As per the contents of present application and argument

of Ld. Advocate of plaintiff the documents mentioned in document list Exh.53 are important for the determination of real question involved in the interim application and suit. Hence, the application.

4. After perusal of the contents of present application and the argument advanced by Ld. advocate for the plaintiffs, it appears the alleged documents are necessary to determine the real question in controversy involved in the interim applications and suit. If present application allowed, no prejudice would be caused to the defendants. Defendants can get an opportunity to file their say and refer or rebut the document at the time of hearing of the interim applications and suit. The said documents are related to the issues involved in the interim applications and suit. It appears from record that whatever document produced alongwith present application and with document list Exh.53 were not produced at earlier stage or at the time of presentation of plaint, 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 documents produced by the plaintiffs alongwith document list Exh.53 are the documents on which they want to rely, and to support their hearing at the time of interim applications and suit. Therefore, it is necessary to give full and fair opportunity to both the parties to prove their contentions in the plaint and written statement, application and their say. Therefore, I found substance in the submission made in the

present application. Hence, I proceed to pass the following order.

**ORDER**

1. Application Exh.52 is allowed as follows.
2. Permission is granted to the plaintiffs to produce the documents which are mentioned in document list Exh.53 which are in support of their contentions in the interim applications and suit, and plaintiffs want to rely at the time of hearing of the interim applications and suit.

Date : 17/09/2025.

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