

CNR MHST-0500-1622-2024

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD
ORDER BELOW EXH.64 IN Spl.C.S. No.104/2024**

1. Mr. Vijay Jaysing Phadatare & Ors.	...Plaintiff.
<i>Versus</i>	
1. Mr. Jaysing Ganpati Phadatare & Ors.	...Defendants.

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

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

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date : 08/12/2025

ORAL ORDER :

This is an application for production of document.

2. Perused the application and say. Heard 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. At the time of hearing of temporary injunction, the defendants have filed present application for production of documents.

4. After perusal of the contents of present application and the argument advanced by Ld. advocate for the defendants, it appears the alleged documents are necessary to determine the real question in controversy involved in the interim application and suit. If present application allowed, no prejudice would be caused to the plaintiffs. Plaintiffs can get an opportunity to file their say and refer

or rebut the documents at the time of hearing of the interim application and suit. The said documents are related to the issues involved in the interim application and suit. It appears from record that whatever documents produced alongwith present application and with document list Exh.65 were not produced at earlier stage or at the time of presentation of written statement, therefore, defendants 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 defendants alongwith document list Exh.65 are the documents on which they want to rely, and to support their hearing of the suit and interim application. Moreover, 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.64 is allowed.
2. Permission is granted to the defendants to produce the documents mentioned in the document list Exh.65 on record which are in support of their pleadings and or hearing of the interim application.

Date : 08/12/2025.

Place - Karad.

[S. B. Todkar]

Civil Judge S.D. Karad.