

CNR NO.MHST-0500 5146 2023

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD**ORDER BELOW EXH.37 IN Spl.D. No.64/2023**

1. Mr. Balwant Bapuso Chavan & Ors.	...D.H.
<i>Versus</i>	
1. Collector, Satara & Ors.	...J.D's

Advocate Mr. S. G. Garud for the D.H.

Advocate Mr. V. P. Rajebhosale for the J. D. No.4.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date : 23/02/2026

ORAL ORDER :

This is an application for production of document.

02. Perused the application and say. Heard both the sides.

03. 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 interim application.

04. It appears from record that D.H. have filed present execution application for recovery of decretal amount alongwith interest etc. on the grounds specifically mentioned in execution application. After service of notice J.D.No.4 appeared and filed various applications including adjournment application including filing say, filing darkhast amount and dismissal of darkhast application etc. Time to time Court has passed necessary orders. Court has rejected application below Exh.28 which was filed for dismissal of the darkhast / rejection of execution application on 17/04/2025. Thereafter, J.D.'s have filed application for withdrawal of amount which is deposited by J.D.'s. That application is pending for hearing. Thereafter, present

application has been filed.

04. 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 interim 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 say 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 document list Exh.38 were not produced at earlier stage, therefore, applicants 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 applicants alongwith the present application and document list are the documents on which they want to rely, to support contentions in the application. The said documents are necessary for the purpose of determining the real question in controversy between the parties in the interim application. 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 application. Therefore, I found substance in the submission made in the present application.

Hence, I proceed to pass the following order.

ORDER

1. Application Exh.37 is allowed as follows.
2. Permission is granted to the applicants to produce the documents mentioned in the document list Exh.38 on record.

Date : 23/02/2026.
Place-Karad.

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