

ORDER BELOW EXH. 98 IN REG.CIVIL SUIT NO. 15/2012
(CNR- MHST- 070000912012)

Plaintiff has filed an application to direct defendant no. 1 and 2 to produce original mortgage deed dated 13/06/1994. Learned advocate of plaintiff has submitted that, the defendant no. 1 and 2 have pleaded in their written statement regarding mortgage deed but they have not produced mortgage deed yet. Therefore, present application may be allowed as matter is for evidence.

02. On the other hand, defendant no. 1 and 2 have filed their say and submitted that, they do not have original copy of mortgage deed. Learned advocate of defendants has further submitted that, there is no just reason file present suit as matter had been already compromised in Regular Civil Suit no. 276/2012, therefore, present application may be rejected.

03. Heard both sides. I must mention here that, in view of Order 11 Rule 12 of the Code of Civil Procedure, any party may apply to the court for an order directing any other party to produce certain document relating to any matter in question. Thus, present application is maintainable in the eyes of law.

04. While considering, pleading of defendant no. 1 and 2, in their written statement, I must mention here that, defendants have pleaded that, original plaintiff namely Ananda had executed mortgage deed on 13/06/1994 in their favor. This pleading itself shows that, defendants are beneficiary of the land therefore, it is very apparent that, original mortgage deed is with defendant no. 1 and 2. Therefore, direction is required to be issued to defendant no.

1 and 2 to produce original mortgage deed on next date. Hence, I proceed to pass following order.

O R D E R

1.	Application is allowed.
2.	Defendant no. 1 and 2 are directed to produce original mortgage deed on next date.

Date: 05-02-2022.

(S. M. Sarode)
3rd Jt. Civil Judge Junior Division,
Karad.