

**R.C.S. No. 45/2018**  
**(Krushna Dhiwar Vs. Lalita Chavan)**

**Order below Exh. 60**  
**(Passed on 01<sup>st</sup> April, 2023)**

This is an application filed by the defendant for production of certain documents on record. It has been contended by the defendant that she wishes to file photo copies of certain important documents on record. There original cannot be filed and therefore, she prayed to get them verified from the Nazar/Clerk of the Court from the original documents.

2. Say of the other side was called for accordingly. The plaintiff has filed his say at Exh.63 and resisted the contention of defendant. He specifically submitted that the proposed documents are in the year 1982 and those are in respect of forge transactions of the defendants. The plaintiff is nowhere concerned with those documents. The present suit has been filed for declaration as well as perpetual injunction and therefore, the defendant cannot use those documents. The present application does not disclose any plausible reason for which the application can be granted. The defendant is suddenly intending to produce these documents to the surprise and therefore, in all these reasons, the present application be rejected.

3. Heard Learned Advocate Mrs. M.S.Sawant for the defendant. She also filed her written notes argument at Exh.60. She submitted that the proposed documents are very old and therefore, the original cannot be handled conveniently. Those can only be rent. The matter may take certain time to get disposed of

finally and therefore, for such a certain period. The original copies of these documents cannot be filed on record. These documents have already been admitted by the plaintiff in the plaint. Therefore, as per provision under Section 65 (2 & 3), the present application can be allowed.

4. I have also heard Learned Advocate Mr. R.R.Sangaliker appearing for the plaintiff. He also filed his written notes of argument at Exh.65. He submitted that in the application Exh.60 it was not prayed for the defendant that the documents at serial No.1 to 8 filed along with list Exh.61 be tendered in evidence. It has been mentioned in the written notes of argument at Exh.64 which is after thought. The contention in the written notes of argument at Exh.64 is prayer to the contents in the original application Exh.60. The proposed documents are not concerned with the plaintiff witness an even those can be considered at the time of leading evidence of defendant. Now, the suit is part heard and the plaintiff witness is remain to be cross-examined. Therefore, at this stage such an application cannot be entertained. For all these reasons, he prayed to reject the application for non-compliance of provision under Order 30 Rule 1 of the Civil Procedure Code. He further relied upon decision in case of \_\_\_\_\_ reported in 1991 Maharashtra Law report page 189.

5. Perused the application and say along with the entire record. The plaintiff has started his evidence and before filing the present application the suit was fixed for cross-examination of the plaintiff witness. Now, the defendant has prayed for verification of following documents from its original by the Nazar/Clerk of the

Court for its production on record. Those documents are in under:

- a. registered sale-deed dtd.14.06.1986 in respect of Gat No.1505 (new Gat No.1125)
- b. registered sale-deed dtd.14.06.1982 in respect of Gat No.1445 (new Gat No.548)
- c. order of Sub Divisional Magistrate Mahabaleshwar dtd.08.04.1976
- d. order dtd.03.06.1976 passed by Sub Divisional Magistrate Mahabaleshwar, Sub Divisional Wai
- e. challan receipt in respect of Gat No.1505 (new Gat No.1125)
- f. acknowledgement receipt in respect of challan dtd.21.01.1976
- g. receipt dtd.17.06.1990 in respect of payment of deficit stamp in pursuance of the order passed by Tahsildar Satara dtd.15.05.1990
- h. receipt in respect of payment of deficit stamp duty dtd.17.06.1990 in pursuance of the order passed by Tahsildar Satara dtd.15.05.1990 passed by Tahsildar Satara.

6. Perusal of all these copies of the documents shows that those have been public documents the only reason which has been mentioned for its non-filing is that those documents are in dilapidated condition are those very old. However, it is clear that the defendant sale-deeds executed in the year 1982 by Waghu Jayram Dhiwar in favour of the defendant of ownership and possession of the suit property. Thus, considering the nature of suit the original copies of the proposed documents can be said to be necessary. The reason furnish by the defendant for its not filing on record is not sufficient and reliable. In such circumstance, I do not

..4..

find any substance in the submission of defendant she can very well filed the original documents on record of verified copies of as she is in custody of the same. Hence, the order:

**ORDER**

The application (Exh.60) is hereby rejected.

[ Dictated and pronounced in open Court. ]

**Date:- 01/04/2023**

**(R. M. Bhende)  
2<sup>nd</sup> Jt. Civil Judge, Jr. Dn.,Wai**