

R.C.S. No. 188/2017
(Godabai Vs. Aasha)

Order below Exh.54
(Passed on 08th August, 2024)

This is an application filed by the defendant for grant of permission to file original medical documents in respect of the deceased Damaji Gaikwad and defendant Aasha Gaikwad. It is contended that deceased Damaji was medically examined in Jeevanjyot Hospital, Satara. In that regard, witness summons was issued to the concerned Medical Officer. Therefore, the relevant original documents (medical papers) are required to be filed. If the application is disallowed, it will cause irrepealable loss to the defendant. On the other hand, the plaintiff will not suffer any hardship.

2. The application has been strongly resisted by the plaintiff by contending that the present application has been filed only to prolong the matter. The proposed documents are false and forged. Those are not concerned with the plaintiff case. Therefore, the application be rejected with compensatory cost.

3. Perused the application and say alongwith the entire record. It is matter of record that on last date, Dr. Kailash Maruti Khadtare was examined as a defence witness No.2. He was working as a Pathologist in Jeevanjyot Hospital, Shanivar Peth, Satara during the period on w.e.f. 1998-2001. The further perusal of his testimony shows that on 28.04.1999, he medically examined deceased Damaji Gaikwad and issued reports accordingly. He further deposed that the original copy of the report was handed over to the concerned patient at the relevant time. In the light of this evidence already came on record and especially its copy is filed on record vide list Exh.51, the production of said original document appears to be necessary.

4. It is vehemently argued by the Learned Advocate for the plaintiff that those documents could have been filed earlier stage by the defendant and there is no explanation as to their delayed filing. I find substance in this submission as there is no explanation in the application regarding its custody. The bare perusal of those documents shows that those have been issued in the year 1999 and now after near about six years since filing of this suit those are intended to be filed. In this context, it becomes necessary to allow the application by imposing certain amount of cost so as to compensate the plaintiff for the delay caused. Hence, the order.

ORDER

The production is allowed subject to payment of cost of Rs. 400/-.

[Dictated and pronounced in open Court.]

Date:- 08.08.2024

(R. M. Bhende)
2nd Jt. Civil Judge, Jr. Dn., Wai