

ORDER BELOW EXH.78 IN R. C. S. No. 277/2015
(Shrimanti Shivnath Pawar Vs. Dhanraj Shivnath Pawar and Others)

01. This is an application moved by defendant No. 1A to allow the production of documents. Perused the application and say. Heard Ld. Advocate A. H. Suryavanshi for defendant No. 1A and Ld. Advocate T. S. Mali for plaintiff.

02. Defendant No. 1A submits that he is going to produce total four documents along-with list of documents(Exh. 80) on the record. He submitd that he has recently received important documents and wish to file it on the record. He prayed to allow the production of documents.

03. Per contra, the plaintiff has strongly objected to the application. She submits that the contents of application are false and vague. Defendant No. 1A has ought to have file these documents at the time of filing his W. S. on record or before settlement of issues. Intentionally defendant No. 1A has not filed these documents on record. Defendant No. 1 A has filed instant application with intend to prolong the matter. She prayed to reject the application.

04. Ld. Advocate for defendant No. 1A submits that defendant No. 1A has recently got some important documents and he wants to produce it on the record. He further submits that, if defendant No. 1A will allow for production of documents, the

plaintiff will definitely get an opportunity to refute these documents in cross-examination of defendant No. 1A and his witnesses.

05. I have given conscious consideration to the submission of Ld. Advocate for defendant No.1A. It is true that defendant No. 1A has mentioned in the application that he has recently received these documents and he wants to produce it on the record. It means that these documents were not in the knowledge of defendant No. 1A at the time of filing their written statement or before settlement of issues. In the circumstances the Hon'ble Parent High Court, in the case of ***Chitrakala Fal Dessai Vs. Balu Marathe@Mane S/o Jyotiba Marathe, 2006 (6) Mh. L.J. 427*** held that,

“It is pertinent to note that Rule 2 of Order 13 requiring good cause to be shown has now been deleted and by amendment Sub-rule (3) is added to Order 14 which states that leave of the Court has to be obtained for production of such documents. But even accepting that while persuading the Court to grant leave, a party has to show cause why the documents could not be produced earlier, not a very strict, restricted and pedantic view can be taken of this provision. Ultimately the Court will have to ensure that all documents which assist it to resolve the controversy before it in an efficient manner are available for its perusal. Unless the Court comes to a conclusion that the facts are so gross that the only inference that can be drawn from the conduct of the party is that the documents which are sought to be produced are

manufactured, the Court should not generally deny leave to produce documents because ultimately it is always open to the other side to cross-examine the party who produces the documents to establish that the said documents are not relevant or that the case based on the said documents is not true. In my opinion in this case, at this stage, it is not possible to come to a conclusion that the documents at serial Nos. (f) and (j) are manufactured. However, that does not preclude the defendant, if he so desires, to cross-examine the plaintiff and persuade the Court to hold so. In the nature of things, no final opinion can be expressed by this Court on this aspect of the matter, at this stage.

06. In my considered view, if production of document is allowed, no hardship will be caused to the plaintiff or there is no possibility that the plaintiff will sustain irreparable loss which can not be compensated in terms of money. In my considered view, if production of document is allowed, it will assist the Court comes to proper conclusion. Hence, I pass following order.

ORDER

Production of documents is allowed. Cost in cause.

Date:
03.11.2025
Vaduj.

(Salim P. Sayyed)
2nd Jt. Civil Judge Sr. Div., Vaduj
Tal. Khatav, Dist. Satara.

