

ORDER BELOW EXH.45 IN R. C. S. No. 204 OF 2024.
(Kantilal Nathuram Markal and Others Vs. Vijayrao Tatiyarao Jadhav
and Others.)

01. This is an application moved by the plaintiffs and accordingly, seeking permission to allow the production of documents. Perused the application and say. Heard Ld. Advocate J. M. Qazi for the plaintiffs and Ld. Advocate P. K. Barsavade for defendants Nos. 1 to 4.

02. The plaintiffs submit that it is very necessary to produce two documents of deed of power of attorney on the record. They prayed to allow the production of documents.

03. Per contra, the defendant No. 1 to 4 have strongly objected to the application. They submit that the contents of an application are vague and false. The plaintiffs have not mentioned description of the documents in the application. They further submit that the plaintiffs have not given explanation as to why they are going to file these documents at such belated stage. Further, they prayed to reject the application.

04. Ld. Advocate for the plaintiffs submits that the plaintiffs have recently prepared the deed of power of attorney and they want to produce it on record. These documents are very necessary to come to the proper conclusion of the case.

05. I have given conscious consideration to the submission

of Ld. Advocate for plaintiff. On perusal of an application it reveals that the plaintiffs have not mentioned any reason as to why they failed to produce these documents at the time of filing plaint 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 con-elusion 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. On perusal of the list of document, it reveals that the plaintiffs want to produce two deed of power of attorney dated 02.08.2025 on the record. If production of document is allowed, no hardship will be caused to the defendants or there is no possibility that the defendants 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 to come to proper conclusion. Hence, I pass following order.

ORDER

Production of documents is allowed subject to admissible in evidence.

Date:12.08.2025
Vaduj.

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