



CNR: GASG02-003203-2022
Regular Civil Suit no.237/2022/D

ORDER BELOW EXHIBIT 17

(Delivered on this the 02nd day of the month of May, of the year, 2023)

This order shall dispose of the application filed by the Plaintiff for production of documents at exhibit 17.

2. By way of the present application, Plaintiff has sought leave to produce and rely upon documents as mentioned in paragraph 01 of the present application. It is submitted that the said documents are necessary for proper determination of the issue in controversy. It is therefore prayed that the Plaintiff be allowed to produce the said documents.

3. Ld. Adv. for the Defendants has filed his reply to the said application at exhibit 18. It is submitted that the said documents are irrelevant to the subject matter of the suit and have no nexus to the present proceedings. It is further submitted that the Plaintiff has not sufficiently explained why the said documents could not be produced earlier. Hence prayed that the application be dismissed.

4. I have perused the record and heard Ld. Advocate Ms. V. Dessai for the Plaintiff and Ld. Advocate Mr. P. Mishal for the Defendants.

5. In the case of *Chitrakala Fal Dessai v. Balu Maratha*, **2006 (5) BomCR 602**, the Hon'ble Bombay High Court has held that 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.

6. Upon going through the documents sought to be produced, it appears that it is prima facie concerned with the subject matter of controversy between the parties. There is no such allegation made in this case that the document sought to be relied upon is manufactured. Production of document and admissibility thereof

are two separate aspects. All documents have to be proved in accordance with law. In my considered view an opportunity needs to be given to the Plaintiff to put forth his case. I therefore order the following :-

FINAL ORDER

Application at exhibit 17 is allowed. Leave is granted to the Plaintiff to produce the said documents as mentioned at paragraph 01 of the present application.

Pronounced in the open Court.

(Puja U. S. Sardesai)
Civil Judge, Junior Division,
'D' Court, Margao.

vc