

### ORDERS ON I.A No. 13

The applicant/defendants has filed I.A. No.13 under Order VIII Rule 1-A r/w Section 151 of CPC sought permission to production of the documents entail in the list.

2. In support the application, defendant No.1 has sworn the affidavit. Wherein the affidavit stated, the plaintiff has filed the suit for injunction against the defendants in respect of suit schedule property. The documents which are mentioned in the accompanying application are recently obtained and hence the defendants could not produce earlier. The proposed documents are very much necessary to prove the case of defendants. If the application allowed and permit them to produce the additional documents no injustice will be caused to the plaintiff. On the other hand if the application not allowed the defendants will be put to great difficulties. On these grounds he prayed for allowed the application.

3. On the contrary, the plaintiff has the objections to application. Wherein it contended, the application is highly illegal, unsustainable both on law and on facts and liable to be dismissed. Absolutely no reasons forthcoming as to why he could not produce the same either on the date of filing of written statement or at the stage when the suit was posted for filing of list of witnesses and documents. Without looking in to the recitals of the sale deed/rectification deed khata extract the defendants could have prepared the written statement in the manner as contended by them. No justifiable cause had been shown in not producing the documents mentioned above and at least on the date of his chief evidence he could have produced the same. Hence the application made by the defendants for production of documents belatedly is liable to be dismissed.

4. Heard and perused material on record.

5. The point that arises for my consideration is:-

“Whether applicant/defendants entitled the relief ?”

6. My answer to the above point is in the affirmative for the following:-

### REASONS

7. As per the averments of the affidavit annexed to I.A. No.13, it particular case of the applicant/defendants is, the documents which are mentioned in the accompanying application are recently obtained and hence the defendants could not produce earlier. The proposed documents are very much necessary to prove the case of defendants. In order to prosecute the case effectively it is necessary to produce the documents entail in the list.

8. On the contrary, it is particular objection of the plaintiff that I.A. No.13 is highly illegal, unsustainable both on law and on facts. Absolutely no reasons forthcoming as to why he could not produce the same either on the date of filing of written statement or at the stage when the suit was posted for filing of list of witnesses and documents. Without looking in to the recitals of the sale deed/rectification deed khata extract the defendants could have prepared the written statement in the manner as contended by them. No justifiable cause had been shown in not producing the documents mentioned above and at least on the date of his chief evidence he could have produced the same. Hence the application made by the defendants for production of documents belatedly is liable to be dismissed

9. After summarizing the facts and circumstances of application and objections, it necessary to make notify the ingredients of law as contemplated under Indian Evidence Act. As per the Indian Evidence Act, there are five stages with respect to documents viz., production, objections, admission, appreciation and probative value of the documents which proposed to produce. It is of the objection as contended by the plaintiff with respect to admissibility of the documents on record. When other stage kept open for discussion the

reason assigned by the plaintiff in his objection not holds any water. Further no substantial reasons that the plaintiff brought forth on record to reject the application and not to admitted the documents which proposed by the applicant/defendants.

10. Further, if this application allowed, the plaintiff has also the right of cross-examination upon such documents. Wherein the cross-examination the plaintiff could have made out his case, that such proposed documents not relevant and not a material to decide the suit in effectually. When the facts are stood like that, the objections of the plaintiff not to permit the applicant to produce such documents does not holds any water. Accordingly, that I have not find any merits in the objections of the plaintiff. Consequently, the application filed by the applicant/defendants deserve to be allowed. Hence, I answer the point raised for consideration in the affirmative and proceed to pass the following:-

### **ORDER**

Interim application No.13 filed by the applicant/defendants hereby allowed.

Consequently, hereby permitted the defendants to produce the documents entailed at the list.

For further chief of D.W.1 by 10/03/2025.

(Onkarappa.R)  
V ACC &SJ, Bengaluru.