

Orders on IA.4

The claimant No.4 has filed I.A.No. 4 under Order 7 Rule 14-A R/w Section 151 of CPC to permit him to produce the documents mentioned in the application.

In the sworn affidavit, the claimant No. 4 has stated that the list of documents mentioned in the application is necessary to establish his case and so he may be permitted to produce the said documents and mark them in his evidence. If the application is not allowed, he will be put to great hardship and injury.

The claimant No. 1 has filed objections to the said application stating that the application filed by the claimant No. 4 is not maintainable. The claim statement filed by claimant No. 1 may be read as part and parcel of objections. It is stated that the application is filed at the belated stage and the appeal in RSA No. 1426/2022 is pending before the Hon'ble High Court. Further it is stated that the claimant has no locus standi to continue the case, when the appeal is pending. Hence, requested the Court to reject the application.

Heard the arguments of claimant No. 4 advocate. In spite of giving opportunity to the claimant No. 1, his advocate has not addressed the arguments.

The following point that would arise for my consideration is:

“Whether the claimant No. 4 has made out sufficient grounds to permit him to produce the documents and mark them in evidence?”

My findings on the above point is in the **affirmative**, for the following:

REASONS

Point No.1: The present application has been filed by the claimant No. 4 when the case is posted for further chief examination of PW.1 (claimant No. 4).

The reference has been sent to the Court by SLAO, Karnataka Housing Board, Bengaluru under Section 77(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of land bearing Sy.No. 59/1 measuring 17 guntas situated in Bylalu village, Thavarekere Hobli, Bengaluru South Taluka.

The claimant No. 4 has filed the present application and sought for

production of registered sale deed dated 19.01.1994, mutation register, RTC Extracts, pass-book, tax paid receipts, Encumbrance certificates, Karnataka State Gazette publication dated 14.02.2013.

The claimant No. 4 has contended that the documents are very necessary to prove his case. So, he requested this Court to permit him to produce the documents and to mark them in the evidence.

The main objections of the claimant No. 1 is that the application is filed at a belated stage. In the present case the claimant No. 1 in-spite of giving opportunity to lead evidence, did not bother to lead evidence. The claimant No. 4 started his evidence has filed an affidavit in chief. He has sought to be produce the documents to establish his title. The documents ought to have been produced at the time of filing claim statement, however claimant No. 4 sough to produce the documents at the time of commencement of his evidence. As claimant No. 1 has not led any evidence, no prejudice will be caused to the claimant No. 1. The claimant No. 1 has contended that claimant No. 4 has no title to the property and in support of his contention, he has produced various documents. The

question whether claimant No. 4 has got title or not, is a matter, which will be looked into at the time of trial. As documents are essential to prove the case of claimant No. 4, I am of the view that an opportunity must be given to the claimant No. 4 to produce the documents and to mark the same in evidence.

The claimant No. 1 has contended that the claimant No. 4 has no locus standi to continue the case, when the appeal filed by him in RSA no 1426/2022 is pending before the Hon'ble High Court. The claimant No. 1 has not produced any documents to show that proceedings in this case has been stayed. In the absence of stay order this Court can continue with the case.

In view of th above reason, I answer point No. 1 in the affirmative and proceed to pass the following:

ORDER

I.A.No. 4 filed by claimant No. 4 under Order 7 Rule 14-A R/w Section 151 of CPC is allowed.

(SHEILA B.M.)
II Addl. City Civil and Sessions Judge,
& Spl. Judge, Bengaluru.

For further chief of PW.1

(SHEILA B.M.)
II Addl. City Civil and Sessions Judge,
& Spl. Judge, Bengaluru.