

IN THE COURT OF PRINCIPAL DISTRICT &  
SESSIONS JUDGE, BELAGAVI

Dated this the 25<sup>th</sup> day of June, 2025

PRESENT

**Sri T. N. Inavally**, B.A.L., LL.B.  
Principal District & Sessions Judge,  
Belagavi

Com. OS No.30/2024

Plaintiff: M/s Ajay Enterprises,  
Represented by its Proprietor,  
Mr. Abhimanyu S/o Ramashish Shah,  
Age: 31 years, Occ: Business,  
Plot No.11, Sy. No.342,  
Shed No.16, The Belgaum Coal  
and Coke Association Compound,  
Udyambag, Belagavi-590 008.

*(Represented by Sri P.F. Goudar, Advocate)*

Vs.

Defendants: 1) M/s. A.S. Founders  
Office At: "Padmavati Technocrafts"  
Plot No.29, Sy No.336/342,  
Dr. Narayan Patil Compound,  
Udyambaug, Belagavi-590 008  
Represented by its partners,  
Mr. Arjun S/o Dhakalu Shinde  
Mr. Sukumar S/o Devendra

2) Mr. Arjun S/o Dhakalu Shinde  
Age: Major, Occ: Partner M/s. A.S. Founders

R/o: Shri Kaal Bhairav Siddeshwar Building,  
Plot No.14, Cross No.2, Parijat Colony,  
Bhagyanagar, Angol, Belagavi-590 006.

- 3) Mr. Sukumar S/o Devendra Anigol,  
Age: Major, Occ: Partner M/S. A.S. Founders,  
R/o: CC No.103551-2, Wada Compound,  
Opposite to Shree Adinath Credit Souhard  
Sahakari Limited Angol,  
Belagavi-590 006.

*(Defendants No.1 & 2 Ex parte)*

*(Defendant No.3 represented by Sri M.M. Holi, Advocate)*

|      |                                                                                   |                                 |
|------|-----------------------------------------------------------------------------------|---------------------------------|
| i.   | Provision under which the application is filed                                    | U/O VII R-14 R/w S-151 of CPC   |
| ii.  | Relief sought for                                                                 | Permission to produce documents |
| iii. | The date on which the application is filed                                        | 16.12.2024                      |
| iv.  | Number of the applications                                                        | IA No.1                         |
| v.   | The date on which the objections are filed by different opponents/ defendant No.3 | 09.01.2025                      |
| vi.  | The date on which the order was passed on the said application                    | 25.06.2025                      |

### ORDERS ON IA No.1

This application – IA No.1 is filed by the plaintiff under Order VII Rule 14 read with Section 151 of Civil Procedure Code ('CPC' for short) praying for an order to permit the plaintiff to produce documents in the interest of justice.

2. Mr. Abhimanyu S/o Ramashish Shah, the Proprietor of the plaintiff firm has filed his affidavit along with the application submitting that at the time of filing of the suit due to unavoidable circumstance, he has produced xerox copy of the documents and now he wants to produce original documents of the same in support of his defence and they are are very necessary in the case. Hence, if the application is not allowed, he will be put to irreparable loss. On the other hand, no loss or hardship will be caused to the defendants, if the application is allowed. Therefore, the plaintiff has prayed for allowing the application.

3. The copy of the application is furnished to the learned counsel for the defendant No.3 and he has filed objections to the application submitting that the contents and averments of the affidavit filed in support of application are false, frivolous and created. At the stage of production of documents, the plaintiff failed to produce the documents. Thereafter, the case

was posted for evidence. Now the plaintiff has filed the application for production of documents without sufficient cause and hence, the application cannot be accepted. The said documents are not reliable documents in the eyes of law and it cannot be marked. The documents are produced at the belated stage only with reason to drag on the matter. Hence, the learned counsel for defendant No.3 has prayed for dismissal of the application in the interest of justice.

4. Heard the arguments of the learned counsel for the plaintiff and also the learned counsel for the defendant No.3 on the application. Perused the relevant materials on record. Now the points that arise for my consideration are:

1. *Whether the plaintiff has made out sufficient ground to permit him to produce documents as sought for in the application?*
2. *What order?*

5. After hearing the arguments of the learned counsel for both the parties and on considering the relevant materials on record, my findings on the above points are as hereunder:

Point No.1 : In the affirmative in part  
Point No.2 : As per final order  
For the following:

### **REASONS**

6. **POINT NO.1:** The contention of the plaintiff is that he has produced xerox copies of the documents along with the plaint, but now he is producing original documents. Those documents are very much necessary to prove his case.

7. As per the papers on record, it would be clear that the plaintiff has produced original invoices, the xerox copies of which are produced along with the plaint. However, other two documents produced by the plaintiff at this stage are copy of the death certificate of the earlier Proprietor of the plaintiff firm and the notarized copy of the audit report. As submitted by the learned counsel for the defendant No.3. those documents are not admissible in evidence and hence, the plaintiff cannot be permitted to produce those documents.

8. However, the fact that invoices produced by the plaintiffs along with application are the original invoices, of the xerox copies are produced along with the plaint. Hence, there is no reason to disbelieve the contention of the plaintiff put forth in the application. If the application is allowed no hardship will be caused to the defendant No.3 as he has got right of cross examining the witness of the plaintiff regarding the concerned document.

9. On the other hand, if the application is not allowed, the plaintiff will be put to hardship and inconvenience, as he is prevented from producing necessary documents in support of his case. There is no any special ground made out by the defendant No.3 to reject the application. Hence, the plaintiff has made out sufficient ground for permitting him to produce documents, which are admissible in evidence. Consequently, the point No.1 is answered in the affirmative in part accordingly.

10. **POINT NO.2:** From the discussion made herein above, it is clear that the application deserves to be allowed accordingly. In the result, I proceed to pass the following:

**ORDER**

The application - IA No.1 filed by the plaintiff under Order VII Rule 14 read with Section 151 of Civil Procedure Code is hereby allowed in part.

Consequently, the original invoices produced by the plaintiff along with application are received on record.

The notarized copies of death certificate and audit report produced by the plaintiff are not received on record as they are not admissible in evidence.

In the circumstances, there shall be no order as to costs.

*(Dictated to the Stenographer transcribed by her, corrected and then pronounced by me in Open Court on this **the 25<sup>th</sup> day of June, 2025**)*

**(T. N. Inavally)**  
Principal District & Sessions Judge,  
Belagavi