

KABG500000112020



**ORDER ON I.A.No.XII FILED U/O VII RULE 14 R/W SEC
151 OF CPC.**

The plaintiff has filed this present application U/o VII Rule 14 R/W Sec.151 CPC at I.As.XII praying to permit them to produce the documents annexed to this application.

2. In the accompanying affidavit, the plaintiff contended that he has filed the suit for relief of partition and separate possession now the case is posted for his further examination-in-chief, in order to prove his case, he is producing the documents annexed to this application. There is no any intentional delay in producing the documents and the said documents are important documents to prove his case and the

defendants are also having knowledge about these documents. If he is permitted to produce documents, it will not cause any loss or injury to the other side. Hence, prayed to allow the application.

3. The defendant No.1, 3, 4 and 6 filed objections to this application by denying entire contentions of the plaintiff. Further they contended that the plaintiff is not properly explained the reason he has how the documents which he is intending to produce are relevant in deciding this suit. The documents which the plaintiff intending to produce are not material and important piece of evidence to prove the issues framed by this court and the said documents does not help the court in deciding the suit. The plaintiff has not shown any genuine cause as to why he could not able to produce the documents along with the plaint. The plaintiff is intending to insert unrelated and concocted documents in this case as such,

this application is not maintainable one hence, prayed to reject the application.

4. The defendants No.2 and 5 filed memo adapting the objections filed by the defendants No.1, 3, 4 and 6.

5. Heard both side. Perused the application and records.

6. The points that arise for my consideration are;

1. Whether the plaintiff has made out grounds to permit them to produce the documents annexed to this application?

2. What order?

7. My findings on the above points are:

POINT No.1: In the Affirmative

POINT No.2: As per final order

for the following;

REASONS

8. **POINT No.1:** The plaintiff has filed this present suit for the relief of partition and separate possession against the defendants when this matter is posted for examination-in-chief of PW1, at that time the plaintiff has filed this present application praying to permit them to produce the documents. The plaintiff contended that the documents which he intending to produce are relevant documents to decide this suit. On the other hand, the defendants contended that the documents, which is plaintiff is intending to produce are not at all necessary to decide this suit and the plaintiff without any cause he is filing unnecessary documents in this suit.

9. By perusing the documents which the plaintiff intending to produced are the information given to the Treasury Office, correspondence made by the Deputy Director, District Treasury and the application given by the plaintiff for furnishing the documents. By perusing these documents, it

goes to shows that the plaintiff is intending to produce the documents which are related to this suit, if the plaintiff is permitted to produce these documents, it will not cause any loss or injury to the defendants and further whether those documents are relevant documents or not for deciding the suit is to be considered at the time of final disposal of the suit, at this stage it cannot be said that the documents which the plaintiff is intending to produce are not relevant documents. Further the defendants contended that the documents which the plaintiff is intending to produce are not produced by the plaintiff at the time of filing the suit and the plaintiff has not given any reason why he has not produced these documents at the time of filing of the suit. No doubt, these documents are not produced by the plaintiff along with plaint now the plaintiff is producing these documents and in this case the evidence of the plaintiff is not yet concluded and the case is at the stage of further examination-in-chief of plaintiff. Further, if the plaintiff is permitted to produce these documents, the defendants are

having every opportunity to cross-examine PW1 on the documents which he has produced along with this application. Hence, I am of the considered view that the plaintiff has made out grounds to permit him to produce the documents annexed this application. Hence, I answered the **Point No.1 in the Affirmative.**

10. **POINT No.2:** For the aforesaid findings, I proceed to pass the following:

ORDER

The application filed by the plaintiff
U/o VII Rule 14, R/W Sec.151 of CPC at
I.A.No.VII is hereby allowed.

Plaintiff is permitted to produce the
documents.

Call on for further examination-in-chief
of PW1 by 15/10/2024.

Sd/-

Prl. Sr.C.J.Gokak.