

KABG040006872012



ORDERS ON IA NO.12 FILED UNDER ORDER VII RULE 14
OF CODE OF CIVIL PROCEDURE

Counsel for plaintiffs filed an application under Order VII Rule 14 of Code of Civil Procedure seeking for production of the documents as per separate list in support of plaintiffs' case.

2. In the affidavit annexed to the application, the plaintiffs have stated that present suit is filed seeking the relief of partition and separate possession in respect of suit schedule 'A' and 'B' properties. The defendant No.1 Shri Jyoti @ Jyotiba Bhima Santaji during his lifetime, taking advantage of his name appearing in record of rights pertaining to suit agricultural land R.S.No.605/24 admeasuring 1 Are 28 Guntas executed an alleged Gift deed on 09.04.2019 in favour of Shri Laxman Bhima Santaji and Devaraj Krishna Santaji without any absolute and exclusive rights over the said land. This alleged gift deed is executed during the pendency of the suit. Therefore the plaintiffs intend to produce the certified copy of alleged gift deed and revenue records pertaining to it which were not in existence when the Pw-1 filed his examination in chief. The documents sought to be produced are very important documents to decide the controversy involved in this case effectually. If the application is allowed no loss or injury will be caused to other side

and on the contrary it will cause untold hardship to the plaintiffs. Hence prayed to allow the application.

3. Counsel for defendant No. 3 and 4 submitted that he has no objections to allow the application. Defendant No.2, 5 and 6 did not file their objections even after providing sufficient opportunities. Hence, objections of defendant No. 2, 5 and 6 is taken as nil.

4. Heard the counsel for plaintiff.

5. Perused the application and documents produced along with the list. Marking of documents is only a chief ministerial act. Relevancy of documents will be taken up for consideration at the time of appreciation of evidence. Further, the counsel for defendants have every right to cross examine plaintiffs regarding the documents. The documents came into existence after filing of this suit and as such plaintiffs had no way to produce the same while filing this suit. As such for the proper and effective adjudication of the matter and in order to avoid multiplicity of proceedings, I proceed to pass the following:

ORDER

The I.A.No.12 filed by the plaintiffs
under Order VII Rule 14 of Code of Civil
Procedure is hereby allowed.

II Addl. Civil Judge & JMFC
Belagavi.