

**Order Sheet**  
**In the Court Of: II Addl . CIVIL JUDGE AND JMFC BELAGAVI**  
**AT BELGAUM**

**F.R.No:**  
**Case Reg.No: O.S./398/2010**

**Plaintiff**

**V E R S U S**

**Defendent**

**1)Vithal R Kanabarkar Ro. Kednur  
Belgaum**

**1)Maruti G. Sambhaji Ro. Kednurmath  
galli Belgaum**

Nature of Case: permanent injunction

Advocate For: Plaintiff Sri/Smt: A.M.Patil

Date of Registration: 26-03-2010

Relief:

Main Matter:

Date of Cause of Action:

**COMMON ORDERS ON I.A. NO.23 & 24**

The counsel for defendants filed these applications under order 8 Rule 1 R/w section 151 of CPC and under order XVIII R.17 R/w 151 of CPC seeking permission to produce the documents and also to recall for further examination-in-chief of DW.1.

2. The plaintiff has opposed to the IA,NO.23.
3. Heard, perused the materials available on record.
4. It is submitted by the defendant that, he is intending to produce relevant original documents in support of his case since he got the said original documents recently. It is further stated that he has lead his evidence as DW.1 and the said documents are important material in support of his

contention. The defendant further stated that if the application is allowed, no hardship or loss caused to the plaintiff. Hence, prayed to allow the application.

5. On the other hand, the plaintiff has stated in their objections and contending that, application filed by the defendant is at belated stage. It is further stated that said documents were in their custody and they could have produce at the time of filing the suit. Since the dw.1 and dw.2 were cross examined at length and now the defendant intends to produce the said documents. Hence, prayed to reject the application.

6. On perusal of the material available on record, it appears that the defendants have filed this application to prove their contentions by producing the above said documents through DW.1. Any how the plaintiffs have liberty to rebut the evidence of the defendants. Mere filing of the application in a belated stage is not a ground to reject the same. Hence to meet the ends of justice defendant application can be allowed further if the applications are allowed, no hardship will cause to the plaintiff. Hence, the defendants are permitted to produce the said documents with subject to proof, relevancy and admissibility.

**Hence I proceed to pass the following,**

### **ORDER**

I.A.No.23 and 24 filed by the defendant under order is hereby allowed on cost of Rs.700/-.

The defendants are permitted to produce the documents subject to proof, relevancy and admissibility.

Sd/-

**III Addl. C.J. and J.M.F.C., Belagavi.**

