

KABG040032382017



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC,
AT : BELAGAVI.**

PRESENT : Smt. Preeti L. Malavalli, B.B.A.,LL.B (Hons.)
Prl. Civil Judge & JMFC,
Belagavi.

DATED THIS THE 22ND DAY OF JANUARY-2026
ORIGINAL SUIT NO.917/2017

PLAINTIFF :

1)	Shri. Basawant Kallappa Daddannavar.
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Vs.

DEFENDANT :

1)	Shri. Gopal Ramappa Mutagi.
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PARTIES TO I.A.NO.VI

Applicant/Defendant :

1)	Shri. Gopal Ramappa Mutagi.
	(By Shri. G. G. Patil, Adv.)

Vs.

Opponent/Plaintiff :

1)	Shri. Basawant Kallappa Daddannavar.
	(By Shri. P. S. Paramashetti, Adv.)

1.	Provision under which application is filed	U/O.VIII Rule 1A of C.P.C.
2.	Relief sought for	Permission to produce documents
3.	The date on which the application is filed	10.03.2025
4.	Number of application	VI
5.	The date on which the objections are filed by different opponent	03.04.2025
6.	The date on which the orders were passed on the said application.	22.01.2026

ORDER ON I.A.NO.VI

This application is filed U/O.VIII Rule 1A of C.P.C. by the defendant seeking permission to produce the documents which are produced along with application, in evidence.

2. In the memo of facts annexed to the application, the defendant has stated that the present suit is filed by plaintiff against him for the relief of specific performance of contract. That the plaintiff had created one more agreement of sale and filed similar suit in O.S.No.213/2014 before Hon'ble II Addl. Senior Civil Judge, Belagavi and the said suit came to be dismissed. The defendant herein has obtained certified copies of Judgment and Decree passed in said suit and other documents which are produced along with present application. That the present plaintiff has also got his name illegally mutated in the record of rights of R.S.No.17/11 owned by the defendant and the defendant has challenged the said mutation entry before D.C., Belagavi. As such, the defendant is intending to produce the order passed by Assistant Commissioner and the District Commissioner, Belagavi. The said documents are material piece of evidence to decide the matter in controversy and therefore the present application needs to be allowed. On these grounds, the defendant has prayed to allow the application.

3. The plaintiff has filed objection to the said application and he has denied the entire contents of memo of facts annexed to application and denied that the said documents are material piece of evidence in the present case. The plaintiff has further stated that the present application is filed only to cause delay in the

matter. On these grounds, the plaintiff has prayed to dismiss the present application.

4. Heard the counsel appearing for defendant and plaintiff.

5. The following points arise for my consideration :

- 1) Whether the defendant has made out grounds to allow this application?
- 2) What order?

6. My answer to above points are as under :

Point No.1 : In the Affirmative,

**Point No.2 : As per final order
for the following :**

REASONS

7. **Point No.1 :** Perused the application and materials available on record. The documents intended to be produced are the certified copies of plaint, written statement, evidence, Judgment and Decree in O.S.No.213/2014 and certified copy of order passed by Assistant Commissioner and District Commissioner, Belagavi in RTS Appeal No.211/2013-14 and RTA 197/2015-16 and one General Power of Attorney. As such, the said documents being certified copies of proceedings before the Court and the aforesaid authorities, they are admissible in evidence. The relevancy of said documents can be ascertained at the time of trial and it cannot be adjudicated at the time of considering the present application. It is for the defendant to

prove the relevancy of said documents in this case. However, the defendant has contended that the said documents would form a material piece of evidence in the present case to disprove the case of plaintiff. Hence, this Court deems it fit to allow the present application. Moreover, the plaintiff will be given opportunity to cross-examine the defendant on the said documents when they will be tendered in evidence. Hence, I answer **Point No.1 in the Affirmative.**

8. Point No.2 : For the above discussed reasons to Point No.1, I proceed to pass the following :

ORDER

I.A.No.VI filed by the defendant U/O.

VIII Rule 1A of C.P.C. is hereby allowed.

***The defendant is permitted to
produce and get the documents produced
with application, marked in evidence.***

(Dictated to the stenographer directly on computer, revised by me & after corrections pronounced in the open Court on this the 22nd day of January-2026.)

**Prl. Civil Judge & JMFC,
Belagavi.**