

KABG300000722018



**IN THE COURT OF THE SENIOR CIVIL JUDGE
BAILHONGAL, AT: BAILHOINGAL**

Dated this the 4th Day of July 2026

PRESENT:

Shri. Ravi Babu Chawan,
B.A. LLB.,
Senior Civil Judge, Bailhongal.

Original Suit No.16/2018

Shri. Basappa Basavantappa Pattanashetti,

..... Plaintiff

(By Shri. S.B.P., Advocates)

- V/s -

1) Shri. Yallappa Basavantappa Pattanashetti
and others.

.....Defendants

(By Shri. S.V.S./C.S.C., Advocates for D1, 3, and D4)

(By Shri. V.G.K., Adv for D2)

(By Shri. S.Y.P., Adv for D5 to D8)

(By Shri. S.J.B., Adv for D9)

(By Shri. V.B.A., Adv for D10)

(By Shri. R.S.D., Adv for D11 to D17)

(By Shri. S.M.M., Adv for Pro. D18)

PARTIES TO IA No.28

1) Shri. Gurappa Basavantappa Pattanashetti,
Age: 58 years, Occ: Service,
R/o: Pattihal K. B., Tq: Bailhongal,
Dist: Belagavi.

..... Applicant/ Defendant No.2

(By Shri. V.G.K., Advocate)

-V/s-

Shri. Basappa Basavantappa Pattanashetti,
Age: 62 years, Occ: Agriculture,
R/o: Pattihal K. B., Tq: Bailhongal,
Dist: Belagavi.

.....Opponent/Plaintiff

(By Shri. S.B.P., Advocate)

ORDER ON IA No.28

The defendant No.2 has filed the present IA No.28 under Order VIII Rule 8A R/w Section 151 of CPC praying to permit him to produce the documents mentioned in the list annexed to the application.

2. In the affidavit filed in support of the application, defendant No.2 has stated that at the time of filing the written statement, he was not in possession of all the relevant documents and, therefore, could not produce them before the Court. It is stated that he has now secured the said documents and seeking permission to place them on record. According to him, if

permission is granted, no prejudice or hardship would be caused to the plaintiff or other defendants, whereas refusal of the application would result in irreparable loss and prejudice to him. Hence, he has prayed for allowing the application.

3. The plaintiff has filed the objections to the application. It is contended that except the documents shown at SI No.6 to 8 in the list annexed to the application, the plaintiff has no serious objections for receiving the remaining documents. However, the plaintiff has specifically opposed the production of the documents at SI No.6 to 8. It is contended that the original sale deed has always remained in the custody of defendant No.2. It is further contended that the documents namely PF loan certificate, affidavit and loan declaration certificate do not bear the signature of official of seal of the concerned authorities and, therefore, they do not appear to the genuine or authenticated documents. According to the plaintiff, the application has been filed only protect the proceedings and delay disposal of the suit. Hence, the plaintiff has prayed for dismissal of the application.

4. Heard the learned counsel for the plaintiff and defendant No.2. Perused the material available on

record.

5. The points that arise for consideration are as under:

POINTS

1) Whether the defendant No.2 has shown sufficient cause for receiving the documents sought to be produced at this stage under Order VIII Rule 8A R/w Section 151 of CPC ?

2) Whether the IA No.28 deserves to be allowed ?

3) What order?

6. My findings to the above points are as under:

Point No.1: In the Affirmative

Point No.2: In the Affirmative

Point No.3: As per final order, for the following;

REASONS

7. **Point No.1 & 2:-** Order VIII Rule 1A of CPC enables the defendant No.2 produce documents upon which he relies in support of his defence. Though, such documents are ordinarily required to be produced along with the written statement, the Court has ample discretion to permit production of documents at a later stage, if sufficient cause is shown and such production is necessary for effective adjudication of the dispute.

8. In the present case, the defendant No.2 has explained that he was not in possession of all the relevant documents when the written statement was filed and that he has subsequently secured them. The suit is yet to be finally decided and permitting production of relevant documents would assist the Court in arriving at a just conclusion. Mere because the documents produced at a later stage, the application cannot be rejected when an opportunity can always be afforded to the opposite party to challenge their genuineness and evidentiary value during trial.

9. The objection of the plaintiff regarding the original sale deed being in the custody of defendant No.2 and the alleged delay in producing it relates to the weight and credibility of the documents rather than its admissibility. Likewise, the contention that PF loan certificate, affidavit and loan declaration certificate, do not bear signature or official seals pertains to their authenticity. The such objection cannot be conclusively decided at the stage of receiving the documents on record. The admissibility, genuineness and evidentiary value of the said documents are matters to be considered during the appreciation of evidence at final hearing after parties are given an opportunity to prove

or disprove them. At the same time, mere permission to produce the document does not amount to proof of their content. Defendant No.2 must establish the execution, authenticity and relevancy of each documents in accordance with law, and the plaintiff shall be at liberty to raise all objections available under law at the stage of marking the documents as exhibits and during final arguments. Considering the nature of the suit and in order to avoid multiplicity of proceedings, this Court is of the opinion that, the application deserves to be allowed, subject to the above observations. Accordingly, point No.1 and 2 are answered in the Affirmative.

10. **Point No.3:-** In view of the above findings and discussion made on point Nos.1 and 2, I proceed to pass the following:

ORDER

IA No.28 filed by the defendant No.2 under Order VIII Rule 8A R/w Section 151 of CPC is hereby Allowed on cost of Rs.200/-.

Defendant No.2 is permitted to produce the documents mentioned in the

list annexed to the application.

The documents shall be received on record, subject to proof of their execution, genuineness, admissibility and relevancy in accordance with law.

The objections raised by the plaintiff regarding the authenticity, the admissibility and evidentiary value of the documents particularly those at Sl. No.6 to 8 are kept open to be decided at the appropriate stage during the recording of evidence and final disposal of the suit.

Accordingly, IA No.28 stand disposed of.

(Dictated to the stenographer transcribed by him, and corrected by me, then pronounced in the open Court on this the 4th Day of July, 2026)

(Ravi Babu Chawan)
Senior Civil Judge, Bailhongal.

