

KABG300008942014



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

PRESENT:

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

O.S. No.93/2014

Dated this the 11th Day of November, 2025

1) Shri. Suresh Parshwanath Lagamannavar,
Age: 44 years, Occ: Agriculture,
R/o: Devalapur, Tq: Bailhongal,
Dist: Belagavi.

2) Shri. Hirachan Parshwanath Lagamannavar,
Age: 42 years, Occ: Agriculture,
R/o: Devalapur, Tq: Bailhongal,
Dist: Belagavi.

.....Plaintiffs

(By Sri. N.M.K., Advocate)

-Vs.-

1) Smt. Janakibai W/o Parshwanath Lagamannavar,
Age: 74 years, Occ: Household work,
R/o: Devalapur, Tq: Bailhongal,
Dist: Belagavi.

2) Shri. Ashok Parshwanath Lagamannavar,

Age: 54 years, Occ: Agriculture,
R/o: Devalapur, Tq: Bailhongal,
Dist: Belagavi.

3) Shri. Vijaykumar Parshwanath Lagamannavar,
Age: 52 years, Occ: Agriculture,
R/o: Devalapur, Tq: Bailhongal,
Dist: Belagavi.

4) Shri. Shrenik Parshwanath Lagamannavar,
Age: 48 years, Occ: Agriculture,
R/o: Devalapur, Tq: Bailhongal,
Dist: Belagavi.

5) Smt. Premavati W/o Mahaveer Jainar,
Age: 40 years, Occ: Household work,
R/o: Bailhongal, Tq: Bailhongal,
Dist: Belagavi.

6) Shri. Bharatesh Parshwanath Lagamannavar,
Age: 36 years, Occ: Agriculture & Teacher,
R/o: 7th Cross Basavnagar, Bailhongal,
Dist: Belagavi.

.....Defendants

(D1-dead)
(D2, 4, 5 and D6 absent)
(By Sri. R.A.P., Advocate for D3)

Parties to IA No.14

1) Shri. Vijaykumar Parswanth Lagamannavar,

.....Applicants/defendant No.3

(By Sri. R.A.P., Advocate)

-Vs.-

1) Shri. Suresh P. Lagamannavar

and another,

.....Opponents/plaintiffs

(By Sri. N.M.K., Advocate)

ORDER ON IA NO.14

The defendant No.3 has filed the present application under Order VIII Rule 1A R/w Sec.151 of CPC, seeking permission to produced documents as per the separate list annex to the application.

2. In the affidavit memo of facts, the learned counsel for the defendant No.3 has stated that the said documents were already produced before the Hon'ble High Court of Karnataka in W.P. No.100370/2017, along with an interlocutory application, and the same were allowed by Hon'ble High Court. The matter was remanded this court along with the records, but those documents were not forwarded. Hence the defendant No.3 now seeks permission to produced the same before this Court. It is further submitted that after the remained, the Cross-examination of DW.1 as not yet commenced, and therefore if permission is not granted, defendant No.3 will be put hardship in proving his case. Hence, he prays to allow the application in the interest of justice.

3. On the other hand, the learned counsel for the plaintiffs has filed the detailed objections contending that the defendant No.3 had ample opportunity earlier to produced the documents and has not shown any valid reason regarding the original of those documents. It is further contended that the certified copy of the documents now sought to be produced, particularly those at Sl. No.1 to 4, are without any explanation as to the original of those documents. The plaintiffs also submitted that the documents shown at Sl No.1 i.e., certified copy of sale deed dated 12-04-2000, is already produced and marked as Ex.P15, and the documents shown at Sl No.7 is already marked as Ex.P1. Since these documents have been referred to in the earlier evidence and judgment, there reproduction is unnecessary and amounts to protecting the proceedings. Hence, plaintiffs pray for dismissal of the application, are alternatively, that it may be allowed only on imposition of heavy cost.

4. Heard the learned counsel for both sides, and perused the material available on record.

5. The following points would arise for consideration:

POINTS

1) Whether the defendant No.3 has shown sufficient cause to permit production of documents at the stage of the proceedings ?

2) What order?

6. My findings to the above points is as under;

Point No.1: Partly in the affirmative

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

REASONS

7. **Point No.1:-** It is not in dispute that the matter was earlier remanded by the Hon'ble High Court in W.P. No.100370/2017 and that the certain records were before the High Court. The contention of the defendant No.3 is that some of those documents were not transmitted along with the remained records.

8. On perusal of the list and the records, it appears that the some of the documents now sought to be produced, such as the certified copy of the sale deed dated 12-04-2000 and the documents shown at Sl No.7 are already produced and marked as Ex.P15 and Ex.P1 respectively. Therefore reproduction of such documents is unnecessary and would not serve any

further purpose. However, since the cross-examination of DW.1 has not yet commenced, and in view of the contention that certain documents which formed part of the Hon'ble High Court record were not received by this Court after remained, it would be just and proper to permit production of only those documents which are not already part of the record. Hence, the same can be received subject proof and relevancy during the evidence. At the same time, the conduct of the defendant No.3 in filing this application belatedly, after several opportunities, cause for imposition of cost. Accordingly, point No.1 answered partly in the affirmative.

9. **Point No.2:-** In view of the above findings and discussion made, I proceed to pass the following:

ORDER

IA No. 14 is hereby allowed in part.

Defendant No.3 is permitted to produce only those documents mentioned in the list dated 02-06-2025. Which are not

already produced and marked in the evidence in this case.

The said documents shall be received subject to proof and relevancy at the time of trial.

Defendant No.3 shall pay cost of Rs.500/- to the plaintiffs for delay in filing the application.

(Dictated to the stenographer, transcribed and Computerized by him and then corrected, revised and signed by me and pronounced in the open Court on this the 11th Day of November 2025)

(Ravi Babu Chawan)
Senior Civil Judge, Bailhongal.

