

KABG310011242024



IN THE COURT OF I ADDL. CIVIL JUDGE AND J.M.F.C.,
AT: BAILHONGAL

:Present:

Shri. Basavaraja Thulasappa Nayaka.,
LL.M.

I Addl. Civil Judge and JMFC, Bailhongal

Dated this 05th day of January 2026

OS No.88/2024

1. Shri. Nandesh S/o Krishnappa Yaligar
Age: 65 years, Occ: Agriculture,
R/o: Hanumantageri Oni, Sampgaon,
Tq: Bailhongal, Dist: Belagavi

..... Plaintiff/Applicant

(By Shri. RSS, Advocate)

V/s

1. Shri. Gangappa S/o Devendrappa Hurakadli
Age: 45 years, Occ: Business,
R/o: Savatagi Village,
Tq: Bailhongal, Dist: Belagavi
2. Smt. Laxmi W/o Gangappa Hurakadli
Age: 35 years, Occ: Business,
R/o: Savatagi Village,
Tq: Bailhongal, Dist: Belagavi

3. Shri. Ramesh S/o Krishnappa Yaligar
Age: 65 years, Occ: Agriculture,
R/o: Smawar Peth, Oppt to Sangam Talkies,
Tq: Bailhongal, Dist: Belagavi

..... Defendants/Opponent

**(D-1 & 2 By Shri. ACC/SBP)
(D-3 Exparte)**

1.	Date of filing of the IA No.III	10.11.2025
2.	Date of file in objection	13.11.2025
3.	Date of order	05.01.2026

ORDER ON IA No.III

The plaintiff has filed the present application U/o 7 rule 14 of r/w 151 of CPC seeking permission to produce documents detailed in the list.

2. The plaintiff in the affidavit filed along with application contended that he has filed the present suit seeking declaration and injunction. He intend to produce the photographs and CD to mark the same as Ex.P series. The said material documents, which are necessary for determination of dispute. No loss or hardship will be caused to the other side if the application is allowed. Hence, prays to allow the application.

3. The defendant has filed objection contending that the application is not maintainable. When the matter is posted for further plaintiff evidence, without filing the application for recall of PW-1, the present application is filed hence, not maintainable. The present application is filed only to delay the proceedings. The photographs and CD are created. Further, denied the possession of the plaintiff over the suit property. Further, contended that the plaintiff has not follow the proper procedure in producing the photographs and CD. Hence, prays for dismissal of the application.

4. Heard argument. Perused records.

5. The following points are arises for my consideration:

POINTS

1. Whether the plaintiff has made out grounds to allow the IA No.III ?
 2. What order ?
- 6.** My answer to the above points are as follows”-
Point No.1: In the Affirmative.
Point No.2: As per order for the following:

REASONS

7. Point No.1:- The plaintiff has filed the present application seeking permission to produce the documents detailed in the list. The plaintiff contended that he intend to produce photographs and CD in support of his case. On the other hand the defendant contended that the application is not maintainable. When the matter is posted cross of PW-1, the present application is filed. The plaintiff has not follow the procedure for producing the documents.

8. It is pertinent to note that the present suit is filed by the plaintiff seeking declaration and permanent injunction in respect of suit schedule property. The plaintiff claim that he intend to produce the photographs and CD. On the other hand the defendant counsel contended that the documents are not accompanied with 65B certiicte which required to mark the same. Hence, the same is not maintainable. It is pertinent to note that the plaintiff intend to produce the photographs and CD. Sofar as contention of the defendant that that without producing 65(b) certificate. The documents can not be marked can be considered at the stage of marking of the documents. There is no bar to grant permission to the plaintiff to produce the documents. However, the present application is filed, when the matter is posted for further plaintiff evidence. Hence,

the application is deserves to be allowed on imposing cost.
Hence, I answer the point No.1 in the affirmative.

9. Point No.2: In view of the above discussions, I
proceed to pass the following order portion:

ORDER

The IA No.III filed by the plaintiff
U/o 7 rule 14 of CPC is hereby allowed
on cost of Rs.200/-.

The plaintiff is permitted to produce
the documents detailed in the list.

(Dictated to stenographer typed by him, corrected by me, then pronounced
in the open court on this the 05th day of January 2026)

Sd/-
I Addl. Civil Judge and JMFC
Bailahongal.