

**IN THE COURT OF THE I ADDITIONAL CIVIL JUDGE AND
J.M.F.C., CHIKODI.**

Present: Ashok R H
I Addl. Civil Judge & J.M.F.C.,
Chikodi.

Dated this 29th day of May, 2023

O.S.No.44/2005

Plaintiffs: Ravasab Adappa Mane,
R/o: Sadalaga, Tal: Chikodi,
and others.

//Vs//

Defendant: Balasaheb Makabul Mujawar,
R/o: Sadalaga, Tal: Chikodi,
Deceased by His Lrs
Fatima W/o Balasaheb Mujawar.

PARTIES TO I.A.No.XX

Applicant/Ori.Plaintiff NO.2:

Kumar Adappa Khot,

//Vs//

Opponents/Ori.Defendant:

Balasaheb Makabul Mujawar,
Deceased by His Lrs
Fatima W/o Balasaheb Mujawar.

ORDERS ON IA.No.XX

The plaintiff has filed this application U/O.VII Rule 14(3) of Code of civil Procedure, 1908 seeking permission to produce the documents.

2. The plaintiff No.2 has sworn to an affidavit stating that the plaintiffs have filed this suit seeking the relief of permanent injunction. He is producing five documents which are public documents and were traced in the last month. Hence, he has filed the present application and has prayed to allow the same.

3. The defendants have filed the objections stating that the application is vexatious and is filed with an intention to drag the proceedings. The documents intended to be produced are already on record and marked as exhibits. Hence production of the documents is not at all necessary. The statements made in the application are denied. It is contended that the documents sought to be produced are old and public documents which were within in the knowledge of the plaintiffs. But the plaintiffs are producing the same at the belated stage. The plaintiffs intend to fill up lacunas in their evidence. Hence it is prayed to reject the application.

4. Heard and perused the materials placed before the court.

5. The points that would arise for consideration of this court are.

1. Whether the application filed by the plaintiff deserves to be allowed?
2. What Order?

3

6. My answers to the aforesaid points are as hereunder:

Point No. 1 : In the Affirmative

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

REASONS

7. **Point No. 1:** The plaintiffs have filed this suit for the relief of declaration of ownership and consequential relief of permanent injunction. The defendant has resisted the suit.

8. Looking into the ordersheet, it is seen that the stage is now set down for further cross-examination of DW.1, at this stage, the plaintiffs have sought to produce the certain documents. Order 7 Rule 14 (1) of CPC provides that the plaintiff shall produced all the documents in his possession which he relies upon at the time of presenting the plaint. Order 7 Rule 14(3) provides that a document which is not produced at the time of presenting the plaint shall not, without the leave of the court, be received in evidence. Thus, the plaintiff has to make out grounds for non production of the documents at the prescribed stage. The plaintiff herein in the accompanying affidavit, has stated that the documents were traced recently.

9. Though, the defendants have resisted the application contending that the application is belated and there are no proper reasons, this court is satisfied with the reasons as-

signed by the plaintiff. Allowing the application would not prejudice the defendants as the defendants will be having an opportunity to meet the documents at the time of cross examination of PW 1. The delay caused by the plaintiffs can be compensated by imposing costs. The evidentiary value of the documents cannot be appreciated at this stage. Allowing the application would give opportunity to the plaintiffs to produce best evidence on their behalf which may be looked into and scrutinized under the eye of law. Considering all these aspects this court is of the opinion that the present application deserves to be allowed. Therefore, this court has answered point No.1 in the affirmative.

10. **Point No.2:** In view of answer to Point No.1, this court proceeds to pass the following:

ORDER

IA.No.XX filed by the plaintiff under Order VII Rule 14(3) of CPC are hereby allowed with costs of Rs.250/-, subject to admissibility and relevancy of the documents.

(Dictated to the Stenographer, transcribed and typed by her, corrected and then pronounced by me in the Open Court on this 29th day of May, 2023)

Sd-

(Ashok R.H)
I Addl. Civil Judge & JMFC., Chikodi.