

ORDER ON IA.NO.12 UNDER ORDER 7 RULE 14 OF
CPC

The present application has been filed by the plaintiffs by seeking permission to produce documents.

In the annexed memo of facts, the counsel for plaintiffs has stated that, plaintiffs intend to produce documents relating to suit property which are necessary to prove their case, thus he has sought permission to produce the documents, hence sought to allow the application.

Per contra the defendants have filed objections by contending that, along with the application, plaintiffs ought to have filed affidavit of the party but they have annexed the IA with memo of facts, which is not tenable under law and the present application has filed to drag the matter , and there are no grounds to allow the application, hence they have sought to reject the application.

Heard both side perused material on record.

The present suit has filed for relief of declaration and Permanent Injunction. On perusal of order sheet it reveals that, when the matter was posted for further chief examination of PW.1 , the plaintiffs have filed the present application. The proposed documents said to be pertaining to the suit property. Eventhough the plaintiffs have taken sufficient opportunities to produced the documents, however the plaintiffs need to be given an opportunity to produce the documents and however, the defendants will be having opportunity to cross examine PW.1 on the said documents and it aids the court to adjudicate the matter on merit.

Further the relevancy and admissibility of

documents can be looked into at proper stage and delay caused by the plaintiffs can be compensated by imposing cost. It also avoids multiplicity of proceedings and since plaintiffs have made out the grounds to allow the I.A.No.12, hence court proceeds to pass the following;

ORDER

The I.A.No.12 filed by the plaintiffs Under Order 7 rule 14 of CPC is hereby allowed on cost of **Rs.400/-**.

Consequently documents produced by plaintiffs are taken on record subject to relevancy admissibility.

For further chief of PW.1.
Call on

**Addl. Civil Judge & JMFC,
Gokak.**