

ORDER ON IA.NO.17 to 19 UNDER ORDER 18 RULE 17
R/W SECTION 151 OF CPC and ORDER 8 RULE 1(A) OF
CPC and U/Sec.151 of CPC

The present applications have been filed by the defendant by seeking to recall the stage of further chief examination of DW.1 and permission to produce documents.

In the annexed affidavits the defendant has stated that, his counsel recently verified the records and found that they are necessary documents to prove his defence and also he himself obtained certain revenue records, therefore he wants to get them marked in his evidence, thus he has sought permission to produce the documents and also sought to recall the stage of further chief examination of DW.1 and sought to allow the applications.

Per contra the plaintiffs have filed common objections to instant applications by contending that, already trial has been concluded and the documents sought to be produced were obtained on 06.02.2025 and some are of the year 2010, therefore the defendant has not stated the proper reason for producing the documents at belated stage and to protract the matter he has filed the present application. Further the proposed documents are unnecessary for the

adjudication of the suit. Therefore sought to reject the applications.

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 reply argument defendant had filed the application for amendment of written statement, after passing order on said application, he has filed present applications. The proposed are document said to be pertaining to the defence taken by defendant. Eventhough the defendant has taken sufficient opportunities, the defendant needs to be given an opportunity to produce the documents and it appears that they are material documents, which are necessary to prove the defence of the defendant and the plaintiffs will be having opportunity to cross examine DW.1 on the said documents and it aids the court to adjudicate the matter on merit and the relevancy and admissibility of documents can be looked into at proper stage and delay caused by the defendant can be compensated by imposing cost. It also avoids multiplicity of proceedings and since defendant has made out the grounds to allow the I.A.No.17 to 19, court proceeds to pass the following.

ORDER

The I.A.No.17 to 19 filed by the defendant Under Order 18 rule 17 and U/sec.151 of CPC and U/o 8 rule 1(a) of CPC are hereby allowed on cost of **Rs.500/-**.

Accordingly the further chief examination of DW.1 is hereby recalled.

For further chief of DW.1

Call on 12.01.2026.

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