

**ORDER ON I.A.NO. IV**

i.	Provision under which the application is filed	:	IA.No.IV - U/o.VII Rule 14 R/w.Sec.151 of CPC.
ii.	Relief sought for	:	IA.No.IV is filed by the plaintiff seeking leave to produce documents.
iii.	The date on which the application is filed	:	19.09.2025
iv.	Number of the application	:	I.A.No. IV
v.	The date on which the objections are filed by different opponents	:	24-09-2025
vi.	The date on which the order was passed on the said application	:	13-01-2026

1. The plaintiff has filed IA.No.IV U/o.VII Rule 14 R/w.Sec.151 of CPC seeking leave to produce the documents as per list. In support of above application, the plaintiff has sworn in an affidavit stating that, the documents sought to be furnished today were not available at the time of production of documents. So, he could not furnish the same before this Hon'ble Court and also the material and necessary documents to decide the matter in issue in this suit. If the application is allowed no harm or loss will be caused to the plaintiff, on the contrary, if it is rejected he would be put to greater hardship and irreparable loss. With this, he prayed to allow above application.

2. On the contrary, counsel for defendants filed common objection to above applications by denying the reasons assigned in the affidavit. He contended that, the applications filed with affidavit, itself is not tenable in the eyes of law and facts. The proviso of order VI Rule 17 states that, court will not allow application on amendment after the trial has been commenced. Already in this case issues were framed and kept for plaintiff's further chief. In this case, issues were framed and evidence is began, under these circumstance this type of application cannot be maintainable. The application filed by the plaintiff itself are not maintainable one. The plaintiff has not approached before this Court with clean hands and he played mischief before this Hon'ble Court. At this belated stage the amendment of plaint cannot be permissible one. The plaintiff going to produce the documents i.e., property extract, the said property extract was in existence at the time of filing of the suit and the plaintiff has got full knowledge of the said document, but at the time of filing of the plaintiff cannot produce the document intentionally. Hence, it is not maintainable one. If the applications of plaintiff as prayed for is allowed heavy loss would be caused to the defendants, on the contrary if it is rejected no loss would be caused to the plaintiff, If the applications are allowed the nature of the defence is changed. With this, the counsel for the defendants prayed for rejection of

above applications with costs.

**3.** Heard both side. Perused applications, objections, pleadings & all other materials available on record. Going by aforesaid materials, the following points arise for consideration :

**POINTS**

1. Whether the plaintiff has made out grounds to allow above application ?
2. What order ?

**4.** Having heard counsels and going by the pleadings, this court answers to above points as under :

Point No.1 : In the affirmative

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

**REASONS**

**5. Points No.1** :At the outset, the plaintiff filed this suit for the relief of specific performance of contract. The plaintiff has filed present application for production of document of suit schedule property on the ground that, the documents furnished today who are not available at the time of production of document so could not produce and the said documents are material and necessary to decide matter in issue. On the other hand, the defendant filed objection contending that, already trial has been commenced and matter is posted for further chief examination of the plaintiff and the plaintiff has not made out grounds for production of document at this stage.

6. After hearing both side and perusal of the materials available on record, it is pertinent to note that, the document enclosed along with IA is Form No.9 of suit schedule property which is not only necessary and relevant document but also supported by the IA.No.III filed U/o.VI Rule 17 of CPC on the ground that, the extent and number of suit schedule property has been changed while preparing E-Khata. If the said document is not allowed to be produce then the very purpose of amendment and the filing of suit by the plaintiff is futile exercise without being supportive document of suit schedule property the court cannot decide effectively. Therefore if the plaintiff is permitted to produce the document at this stage of the suit, on reasonable costs, no harm or prejudice would be caused to the defendants. Otherwise, the plaintiff would be put to hardship rather than the defendants. With these observations, this court answers point No.1 in the affirmative.

**7. Point No.2** : In view of above findings, the following order is passed :

**ORDER**

I.A.No.IV filed U/o.VII Rule 14 R/w Sec. 151 of CPC by the plaintiff is hereby allowed with cost of Rs.250/-.

**Sd/-**

**Addl. Senior Civil Judge,  
Jamkhandi.**