

OS No.1334/2006

Case called out.

Plaintiff is absent.

Defendants are absent.

GPA Holder of defendant No.23 / DW-3 is present.

Heard the arguments advanced by the counsel for the defendant No.23 on IA No.33 to 35.

No representation from plaintiff side.

Hence, arguments from plaintiff side on IA No.33 to 35 side taken as not advanced.

IA No.33 to 35 have been filed by the defendant No.23 for permission to produce documents, reopen the case and recall of DW-1 for marking the documents stating that they have been recently obtained.

Counsel for the plaintiff filed objections to IA No.33 to 35 contending that they are not maintainable.

The present suit is filed by the plaintiff against defendants for Partition & Separate Possession in the 5 suit schedule lands.

The defendant No.23 is contesting the suit contending that the karta of the joint family consisting of plaintiff and other defendants alienate the some of the suit properties long back earlier to

amendment of Section 6 of Hindu Succession Act and also contending that he is the bonafide punchers of the suit properties.

When such being the case, defendant No.23 has been permitted to produce the documents to substantiate his contention.

Now the defendant No.23 is intending to produce Sale Deeds pertaining to suit schedule properties for the year 1995, 2003, 2006 & 2019 and also Records of Rights.

Without producing the Sale Deeds and Revenue Entries defendant No.23 cannot prove his case.

Under these facts & circumstances of the case, I am of the opinion that opportunity has to be given to defendant No.23 to prove his case by leading oral evidence and also producing material documentary evidence.

Production of documents is always subject to admissibility, relevancy and proof of contents of documents. For causing delay in producing documents, costs can be imposed. Hence, I proceed to pass the following:

ORDER

IA No.33 to 35 filed by applicants / GPA Holder of defendant

No.23 are allowed on costs of Rs.500/- subject to admissibility, relevancy and proof of contents of documents.

For payment of costs and further chief of DW-3 by **19-11-2024**

**Prl. Senior Civil Judge & J.M.F.C.
Devanahalli.**