

ORDER ON I.A.No.XVI

Defendant No.1 has filed I.A No.XVI under Order 8 Rule 1 A R/w Sec.151 of CPC seeking permission to produce the additional documents.

2. Defendant No.1 has sworn to an affidavit in support of I.A and contended that he has filed this suit for Cancellation of Registered partition deed dated:20.02.2008 and for consequential relief of permanent injunction with other reliefs. At the time of filing the written statement he had produced xerox copies of the original partition deed and now he is producing original documents and RTC which are relevant for his case. Hence, prays to allow the I.A by condoning the delay in production of additional documents.

3. Plaintiffs have filed objections to this I.A and denied entire affidavit averments as false and contended that the intention of filing the present application is only to fill up the latches/admission given by the defendant in his cross-examination. Those documents are not traversed in their statement. The defendant has not shown proper reason for delay. Just to drag on the proceedings, this I.A is filed at this belated stage. Hence, prays to dismiss the I.A with exemplary cost in the interest of justice and equity.

4. Heard and perused the materials placed before me.

5. The points that arise for my consideration are as follows;

1. Whether I.A.No.XVI filed by the plaintiff under order 8 Rule 1A R/w Sec.151 of CPC deserves to be allowed?
 2. What Order?
6. My findings to the above points are as follows;

POINT No.1 : In the Affirmative

POINT No.2 : As per final order for the following;

REASONS

7. POINT No.1: The plaintiff has filed this suit for the relief of cancellation of Registered partition deed dated:20.02.2008 and for consequential relief of permanent injunction. Plaintiff has completed his evidence and on the same day defendant No.1 has also led evidence, he has filed this I.A with 2 documents, they are original Registered partition deed dated:20.02.2008 and RTC's pertaining to the suit schedule properties. Since plaintiff has sought the relief for cancellation for said partition deed, original document is relevant for proper adjudication of the matter in dispute. Therefore, the delay caused by the defendant No.1 in production of documents has to be condoned in the interest of justice and equity. Accordingly, I.A No.XVI deserves to be allowed. Hence, **Point No.1 is answered in the Affirmative.**

8. POINT No.2. In view of the above said reasons, I proceed to pass the following;

: ORDER :

**I.A.No.XVI filed by the
defendant No.1 under Order 8 Rule
1 A of CPC., is hereby allowed.**

**Posted for further chief
examination of DW.1.**

(SHILPA.H.A)

Senior Civil Judge & JMFC.,
Doddaballapura.