

KACM200005752020



IN THE COURT OF SENIOR CIVIL JUDGE,
AT: KADUR

Present:- Sri. IRFAN.
B.A., LL.B.,
Senior Civil Judge & JMFC,
Kadur, Chikkamagaluru District.

Dated: this the 24th day of March – 2026.

O.S.No.193/2020

Plaintiff: : Sri. K.N. Veeranna Gupta.
[By: Sri. KSR, Advocate]

V/s

Defendant: : Sri. S.S. Harish.
[By: Sri. BR, Advocate]

RANK OF THE PARTIES ON I.A.NO.13.

Applicant/
plaintiff : Sri. K.N. Veeranna Gupta.



V/s

Opponent/
Defendant

: Sri. S.S. Harish.

i	<i>Provision under which the application is filed</i>	<i>VII Rule 14(3) R/w Sec.151 of CPC.</i>
ii	<i>Relief sought for</i>	<i>Permit the plaintiff for production of enlisted documents by condoning the delay.</i>
iii	<i>The date on which the application is filed</i>	<i>10.03.2025.</i>
iv	<i>Number of the application</i>	<i>13</i>
v	<i>The date on which the objections are filed by different opponent</i>	<i>16.04.2025.</i>
vi	<i>The date on which the orders were passed on the said application</i>	<i>24.03.2026.</i>

When the case is posted for further chief of PW-1, the plaintiff has filed this application.

ORDERS ON I.A.13

This IA has been filed by the plaintiff, U/O VII Rule 14(3) R/w Sec.151 of CPC and prays to permit him to produce the enlisted documents by condoning the delay, in the interest of justice and equity.

2. This application is supported by an affidavit filed by the plaintiff. The gist of the application averments is that due to his old-age, he has undergone



operation and also due to inconvenience, he could not produced the income tax returns and same is not intentional one, but bonfide reasons. Accordingly, sought to allow the application.

3. The defendant resisted the said application by contending that the application filed by the plaintiff is not maintainable either in law and on facts. The plaintiff has filed the suit against him for the relief of recovery of money and he appeared before this court and contested the same. After completion of the evidence and arguments of both the sides, the said case is posted almost for judgment. At this belated stage, the plaintiff has filed the present application for production of documents again is not maintainable. As per citation reported in ILR 1986, Karnataka, page number 533 and AIR 1964 Supreme Court, 1993, “once a case is posted for judgment, no application is allowed even advance application is also not allowed under the said circumstances the application is liable to be dismiss.” The documents sought by the plaintiff under this application are not necessary to decide the case on hand. Moreover, the said account belonged to the



personal account of the plaintiff. The plaintiff went on filing applications one after another only to drag on the case without proper grounds. Such tendency of decline is not permissible under law. The plaintiff has sworn to the false affidavit and filed the present application only to drag on the case for the purpose of inordinate delay the case. The application filed by the plaintiff is highly belated. The plaintiff has not shown any proper grounds for filing belated application. The plaintiff has filed the present application by misusing the provision of law. The belated application filed by the plaintiff is not allowed by the proper reasons. Accordingly, sought to dismiss the applications.

4. Heard both side. Perused the case records.

5. The following points that arise for consideration are;

1. Whether the plaintiff / applicant has made out grounds to production of enlisted documents by condoning the delay at this stage?



2. What order?

6. Answers to the above points are as under;

Point No.1 : In the Affirmative;

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

REASONS

7. **Point No.1 :-** The present suit is filed for the relief of recovery of money. When the matter was posted for reply arguments on merits, the plaintiff has come up with IA's No.10 to 12, U/O 18 Rule 17 R/w Sec.151 of CPC, U/S 151 of CPC and U/O 17 Rule 14(3) R/w Sec.151 of CPC and thereby recalled himself to lead further chief-examination. When the matter was posted for further chief-examination, the plaintiff has come up with the present application seeking leave of the court to produce the application schedule documents, which are the copies of IT return for the assessment years from 2018-2020 belonging to the plaintiff. On a over-all rival contentions of the parties, it is found essential to allow this application in the interest of justice and equity for the effective adjudication. The defendant can be compensated in



terms of money. No harm or prejudice will be caused to the defendant. In consideration of the reasons assigned, it is found necessary to condone the delay in production of enlisted documents. Accordingly, **the point No.1 under consideration is answered in the Affirmative.**

8. **Point No.2** :- In view of the discussion in the foregoing point, the following;

ORDER

I.A.No.13 filed by the plaintiff, U/O VII Rule 14(3) R/w Sec.151 of CPC is allowed with costs of Rs.1,000/-.

Stage is reopened.

PW-1 is recalled and permitted to produce the documents filed along with this IA.

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by me in open Court on this the 24th day of March, 2026) Sd/-

(IRFAN)
Senior Civil Judge,
Kadur.