

**ORDERS ON IA NO.10 FILED BY THE DEFENDANTS
UNDER ORDER VIII RULE 1A(3) OF CPC**

The present application is filed by the defendants when the matter is set out for further chief examination of DW1. The present application is filed under Order VIII rule 1A(3) of CPC, seeking leave of this Court to produce the documents as mentioned in the list accompanied to the present application.

2. It is the contentions of defendants that the documents which are produced with the present application could not be produced earlier as they were misplaced and traced by the defendant No.1 recently. If the present application is not allowed, then the defendants will be put to hardship. On these grounds, the defendants pray for allowing the application.

3. On the other hand, learned counsel for plaintiff has filed his statement of objections to the present application wherein contended that the present application is not accompanied with an affidavit. Defendants ought to have produced the documents while filing the written statement as held by the Hon'ble Apex court in 2004(4)KCCR 2392 and they ought to have fulfilled the mandatory requirements of Order 6 rule 8, Order 8 rule 1A(1)(2) of CPC. Defendants cannot be allowed to produce documents after settlement of issues. If the present application is allowed then the object behind the amendment to CPC in the years 1999 will be defeated. Plaintiff has closed his side and there is no opportunity for him to adduce evidence. The documents are invented and innovated. If the defendants are permitted to produce the documents, then

they will implant the innovated documents. On these grounds the plaintiff has sought for rejection of the application.

4. Heard the defendants, perused the written arguments of plaintiff and also perused the entire materials available on record.

5. The plaintiff has filed the present suit for the decree of declaration of title, recovery of possession and consequential injunction with respect to the suit properties. It is at the stage of further chief examination of DW1, the present application came to be filed wherein the defendants have sought permission to produce the original sale deed and other revenue documents. The only ground of the defendants in support of this application is that the documents sought for production were misplaced and traced recently and thus they were not produced earlier.

6. On the contrary, the plaintiff has contended that the defendants shall have to produce the documents along with written statement and after that they cannot be permitted to produced any documents. The plaintiff having emphasized on the provisions of CPC and Civil Rules of Practice in connection to production of documents, has contended that the very amendment brought to the CPC is to see that the parties shall not drag the proceedings by submitting the documents as per their whims and fancies. The plaintiff has also contended that the present application is not accompanied with an affidavit as mandated under rule 18 of the Karnataka Civil Rules of Practice.

7. This Court considers it germane to place its reliance on the decision of Hon'ble Apex Court in the case of **Levaku Pedda Reddamma & Ors. V/s Gottumukkala Venkata Subbamma & Anr., in Civil appeal No.4096/2022 DD: 17.05.2022** wherein it has been held that denying the party in a civil matter to produce additional documents, even if there is considerable delay, results in denial of justice. Thus, the technicalities pointed out by the plaintiff does not sustain for consideration.

8. Order 8 Rule 1A(1)&(2) of CPC though contemplates that the documents which ought to be produced by the defendants shall have to be annexed to the written statement, but the said provision does not bar production of additional documents at the later stage as the said provision of law further provides that the documents which are not produced along with the written statement shall not to be received without the leave of the Court. This makes it clear that the Court can receive the documents at belated stage on being satisfied with the reasons stated for delayed filing of the documents. Moreover, the plaintiff has got every opportunity to cross-examine the defendant witness on the point of the present documents. Therefore, this Court deems it fit to allow the present application. Hence the following:

ORDER

I.A.No.X filed by the defendants under Order VIII rule 1A(3) of CPC is hereby allowed.

The additional documents produced by the defendants are taken on record. For

**further chief examination of DW1 by
30.07.2025.**

Sd/-
(VISHWANATH.A)
PRL. CIVIL JUDGE & JMFC.,
MUDIGERE.