

ORDERS ON I.A.No.III

The defendant has filed the application U/o.VIII rule 1A(3) of CPC seeking permission to produce the documents stated in the list.

2. The I.A is supported with the memorandum of facts of the counsel for the defendant and stating that the documents produced with the list annexed with the application are very much necessary to prove the case of the defendant. Accordingly, prayed to allow the application.

3. The advocate for plaintiff has filed objection, submitted the application is not maintainable, because it is not supported by affidavit. The defendant ought to have filed the documents with written statement as per Order VI rule 9 of CPC, but he did not do so. Therefore, he is not liable to produce the documents. Further, no grounds mentioned in order VIII rule 1A(1) and (2) of CPC is made out. Hence, defendant is not entitled for produce the documents. Hence, prays to reject the application.

4. On the basis of the above, point for consideration is that:

Whether the defendant has made out sufficient grounds to permit him to produce the document stated in the list?

5. Heard the arguments and perused the materials on record.

6. On that basis, my finding on the above point is in the "**Affirmative**" for the following:

REASONS

7. It is true that the defendant ought to have file the documents along with written statement or within 15 days from the date of framing of issues. However, U/o.VIII rule 1A(3) party can produce the documents with the permission of the court in later stages. In the application the defendant submitted the documents produced with the application are very much necessary to prove his case. Therefore, in the interest of justice, I find it is worth to grant permission to produce the documents by the defendant. Accordingly, above point is answered in the "**Affirmative**". In the result, I proceed to pass the following:

ORDER

I.A.No.III filed by the defendant U/o.VIII rule 1A(3) of CPC is hereby allowed on costs of Rs.100/-.

Accordingly, defendant is hereby permitted to produce the documents as stated in the list.

For further chief examination of DW.1 by:
18.02.2022.

sd/-

(J.KRISHNA)
PRL. CIVIL JUDGE & JMFC.,
MUDIGERE.