

ORDERS ON IA NO.I FILED BY THE
PLAINTIFF UNDER ORDER VII RULE 14(3)
R/W SEC.151 OF CPC

The present application is filed by the Plaintiff when the matter is set out for Plaintiff Evidence. The present application is filed under Order VII rule 14 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 the Plaintiff that, due to oversight and mistake the documents now sought for production could not be presented at the time of filing the suit. It is further contended that, the said documents are very much necessary to prove the case and if the present application is not allowed the plaintiff will be put to irreparable loss and hardship. On these ground, the plaintiffs pray for allowing the application.

3. On the other hand, the learned counsel for the Defendants No.1 to 3 has filed this

statement of objections wherein contended that it is mandatory on the part of plaintiff to produce the documents at the time of institution of suit as contemplated under Order 6 rule 9 of CPC. When the plaintiff has failed to comply with the mandatory of the said order and also rule 73 of Karnataka Civil Rules of Practice, she cannot take benefit under Order 7 Rule 14(3) of CPC. On these grounds the defendant No.1 to 3 sought for rejection of the application.

4. Heard and perused the materials on record.

5. The Plaintiff has filed the present suit for the decree of partition and separate possession of suit schedule properties. The present application is filed at the stage of Plaintiff Evidence. It is no doubt that the burden is on the Plaintiff to prove her case and for that purpose she may adduce oral and documentary evidence. Further, it is settled principle of law that mere production of documents is by itself is not proof of the same but it has to be proved in accordance with law. Since, the suit is at the stage of plaintiff

evidence no prejudice will be caused to the other side. Thus, keeping view the settled position of law, this Court deems it fit to allow the present application. Hence the following:

ORDER

I.A. No.I filed by the Plaintiff under Order VII rule 14(3) r/w Sec. 151 of CPC is hereby allowed.

Plaintiff is permitted to produce the documents as per list accompanied to the present application.

For further chief of PW1 by:

Sd/-

(VISHWANATH.A)
C/c PRL. CIVIL JUDGE & JMFC.,
MUDIGERE.