

**ORDERS ON IA NO.4 FILED BY THE DECREE HOLDER
UNDER ORDER VII RULE 14 R/W SEC.151 OF CPC**

The present application is filed by the decree holder when the matter is set out for further evidence of DHR. The present application is filed under Order VII rule 14 R/w 151 of CPC, seeking leave of this Court to produce the documents mentioned in the list accompanied to the present application.

2. It is the contention of decree holder that the documents sought for production were produced in the original suit in O.S. No. 233/1994 and the same are taken back now. The said documents are very much necessary in support of the case. On these grounds, the decree holder seeks for allowing the application.

3. On the other hand, learned counsel for judgment debtor has filed his statement of objections to the present application wherein contended that the present application is not accompanied with an affidavit. Non explanation of delay in filing the application is highly fatal to the decree holder. There is no whisper in the petition about these documents. There is no compliance of rule 7(6) r/w rule 70(1) of Karnataka Civil Rules of Practice and also of rule 73. If the decree holder is permitted to produce the documents, then he will implant the innovated documents. On these grounds the judgment debtor has sought for rejection of the application.

4. Heard both side and perused the entire materials available on record.

5. The present execution petition is on an assertion of violation of subject matter decree of permanent injunction.

It is at the stage of further evidence of DHR, the present application came to be filed wherein sought permission to produce the sale deeds and resolution of grama panchayath. The only ground of the decree holder in support of this application is that the documents were produced in the original suit in O.S. No. 233/1994 and the same are taken back recently.

6. On the contrary, the judgment debtor has contended that there is no explanation of delay in filing the application. The judgment debtor having emphasized on the provisions of CPC and Civil Rules of Practice in connection to production of documents, have 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 judgment debtor have 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 recent 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 defendant does not sustain for consideration.

8. The decree holder has contended that the documents which are now sought for production is very

much necessary in proof of their case and moreover, the judgment debtor have got every opportunities to cross-examine the decree holder witness on the point of the present documents. Therefore, keeping in view the settled position of law and the decision referred supra in the case of **Levaku Pedda Reddamma**, this Court deems it fit to allow the present application. Hence the following:

ORDER

I.A.No.IV filed by the decree holder under Order VII rule 14 R/w Sec.151 of CPC is hereby allowed.

The additional documents produced by the decree holder is taken on record. For further evidence of DHR by 04.12.2025.

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