

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

The present application is filed by the plaintiffs when the matter is set out for further chief examination of PW1. The present application is filed under Order VII rule 14(3) of CPC, seeking leave of this Court to produce the document as mentioned in the list accompanied to the present application.

2. It is the contention of plaintiffs that due to unavoidable circumstances the documents could not be produced earlier and the same are very much necessary to prove the plaintiffs case. If the present application is not allowed then the plaintiffs will be put to irreparable loss and hardship. On these grounds, the plaintiffs pray for allowing the application.

3. On the other hand, learned counsel for defendants has filed his statement of objections to the present application wherein contended that the documents produced by the plaintiffs are not genuine. The present application is filed with an intention to drage the proceedings. No proper grounds are made in support of present application. On these grounds the defendants have sought for rejection of the application.

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

5. The plaintiffs have filed the present suit for the decree of permanent injunction with respect to the suit

schedule properties. The present application is filed by the plaintiffs during the stage of further chief examination of PW1 whereby sought permission to produce the revenue documents pertaining to the suit properties on the ground that the same are very much necessary to prove their case.

6. On the contrary, the defendants have contended that the documents produced by the plaintiffs are not genuine, the present application is filed to drag the proceeding and no grounds are made in support of the application. It is germane here to rely 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.

7. Thus, keeping in view the settled position of law and the decision referred supra in the case of Levaku Pedda Reddamma, if the nature of the suit is looked into, it is no doubt that mere production of documents does not constitute proof of such documents as they are required to be proved in the manner known to law. Moreover, the defendants have got every opportunities to cross-examine the plaintiff 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.V filed by the plaintiffs under Order VII rule 14(3) R/w Sec.151 of CPC is hereby allowed.

Plaintiffs are permitted to produce the document as per list accompanied to the present application.

For further chief of PW1 by: 15.03.2024.

Sd/-

(Vishwanath A.)
Addl. Civil Judge & JMFC.,
Mudigere.