

ORDERS ON IA NO.V 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 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 additional documents which is stated to be the statements of defendants No.1 and 3 in Crime No.69/2022 of Kalasa P.S.

2. It is the contention of plaintiff that, the documents which are now sought for production is very much necessary in proof of his case and if the present application is not allowed the plaintiff will be put to irreparable loss and hardship. On these grounds, the plaintiff prays for allowing the application.

3. On the other hand, the defendants have filed the statement of objections to the present application wherein contended that, the above application is filed to drag the proceedings, no grounds made out for allowing the present application. The defendants have further contended that the documents are created and they are irrelevant. 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 plaintiff has filed the present suit for permanent injunction with respect to the suit schedule property. The present application is filed by the plaintiff during the stage of further chief examination of PW1 whereby sought permission to produce the documents which is stated to be the statements of defendants No.1 and 3 recorded with the Kalasa Police on the ground that the same are very much necessary in proof of his case.

6. 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. Though the defendants have questioned the genuinity, the said aspect cannot be considered by deciding the present application and it is always open for the defendant to take such objection at the relevant point of time. Therefore, this

Court deems it fit to allow the present application.
Hence the following:

ORDER

I.A. No.V 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 sought for in the present application.

For further chief examination of PW1 by:
19.07.2024.

Sd/-
(Vishwanath A.)
C/c Addl. Civil Judge & JMFC.,
Mudigere.