

COMMON ORDERS ON IA NO.VI & VII

The present applications are filed at the stage of cross-examination of PW1. The plaintiff has filed the present applications under Order XVIII rule 17 of CPC and Order VII rule 14 of CPC, seeking permission to produce additional documents and to recall the PW1 for further examination in chief.

2. The contentions of the plaintiff is that the document sought for production is very much necessary in proof of his case. If the present applications are not allowed, then the plaintiff will be put to irreparable loss and hardship. On these grounds the plaintiff has sought for allowing the applications.

3. On the other hand, the learned counsel for defendants has filed the common statement of objections to the present applications contending that the applications are highly belated, filed only to drag the proceedings and no grounds are made out to allow the same. On the above grounds, the defendants have sought for rejection of the applications.

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

5. By way of present applications, the plaintiff is seeking permission to produce the certified copy of the judgment and decree passed by this Court in O.S. No. 110/2020. The only ground urged by the plaintiff is that the said document is very much necessary in proof of his case. On the other hand, learned counsel for defendants has resisted the application on the ground of delay. It is a trite law that every opportunity shall have to be granted to the parties to the litigation, at the trial itself. It is germane

O.S.33/2022

here to rely on the 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. Under the circumstances, this Court is of view to allow the present applications. Hence the following:

ORDER

I.A. No.VI & VII filed by the plaintiff under Order XVIII rule 17 and Order VII rule 14 of CPC, are hereby allowed.

Additional document produced by the plaintiff is taken on record and while reopening the case for further chief examination of PW1, PW1 is also recalled for further examination in chief by: 07.04.2025.

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