

ORDER ON IA.NO.9

The plaintiff has filed the present application, at the stage when the case was set-down for further chief-examination of PW1, by invoking provision under Order 7 Rule 14(3) of CPC, seeking permission of the court to produce the documents which have been annexed in the list.

2. In the affidavit annexed to the application it is stated that on previous hearing dates, the plaintiff could not produce the document, as the same have been obtained recently and hence, produced the same now. Therefore, the present application is filed. Hence, prayed for allow the application.

3. The above application has been resisted by the defendant by filing objection statement. Wherein, it is contended that the application of the plaintiff is not maintainable either in law nor fact and circumstances of the case and it has filed at belated stage. It is further contended that the documents which have been produced by the plaintiff have been obtained after the commencement of trial, therefore, those documents can't be received on record. Nowhere, it is not whispered regarding the documents sought to be produced. The plaintiff

should have been file the documents at the time of institution of the suit. But, he has failed to produce the same. Hence, the documents produced can't be taken on record to surprise the defendant, as it would cause material prejudice to the defendant right. Documents sought to be produced are irrelevant and no proper reason has been felled out. Hence, the sought of documents can't be taken on records. Hence, prayed for reject the application with exemplary costs.

4. Having heard both side, the court perused the application, affidavit, objection statement and other materials made available on record.

5. The plaintiff has filed the present suit for the relief of permanent prohibitory injunction. When the case was set-down for further chief-examination of PW1, has moved the present application seeking permission of the court to produce the documents. It is plaintiff contention that in order to establish his case, those documents are very relevant. Therefore, delay in producing the same has to be condoned. The plaintiff has produced the documents such as certified copy of the form No.1, ahavalu thakthe, memorandum and sketch. Since the plaintiff wants to rely of those

documents to prove his contention, those are relevant documents to the suit.

6. In the objection statement there is no justifiable grounds stated by the defendant. It is pertinent to note that if the documents which have produced along with the list have been taken on record, no loss or injury caused to the other side. On the other hand, if the application is rejected, the plaintiff will be prevented to prove his case. Accordingly, this court find merits in the application filed by the plaintiff. Hence, this court proceed to pass following

ORDER

The IA.No.9 filed by the plaintiff under Order 7 Rule 14(3) of CPC is hereby allowed on cost of Rs.200/-.

Consequently, the documents produced under the aforesaid application are taken on record on subject to admissibility and relevancy in evidence.

Sd/-

**Prl. Civil Judge & J.M.F.C;
Mudigere.**