

ORDERS ON IA NO. IV

The present application is filed at the stage of further examination of DW1. The Defendants have filed this application under Order VIII rule 1A (3) of CPC, seeking leave of this Court to produce the documents as mentioned in the list.

2. It is the contention of the defendants that, the documents could not be produced due to oversight and they are very much necessary to prove the defence. If the present application is not allowed the defendants will be put to irreparable loss and hardship. On these grounds, the defendants pray for allowing the application.

3. On the other hand, the plaintiff has filed his statement of objections wherein it is contended that the documents sought for production is irrelevant and inadmissible in evidence. If the application is allowed, the Plaintiff will be put to hardship and accordingly, the Plaintiff prays for rejection of the application.

4. Heard and perused the materials on record.

5. The plaintiff has filed the present suit for the decree of permanent injunction against the defendants with respect to the suit schedule property. The present application is filed by the defendants at the stage of further examination of DW1. It is no doubt that the parties may adduce oral and documentary evidence to prove their contentions. Further, it is settled principle of law that mere production of documents by itself is not proof of the same but it has to be proved in accordance with law. Moreover, on bare perusal of the documents, they are seen to be the certified copies. Thus, keeping in view the settled position of law, this Court deems it fit to allow the present applications. Hence the following:

ORDER

I.A. No. IV filed by the defendants under Order VIII rule 1A (3) of CPC, is hereby allowed.

Defendants are permitted to produce the documents as per list accompanied to I.A. No.IV.

For further examination in chief of
DW-1 by: 06.10.2023.

Sd/-

(VISHWANATH.A)
ADDL. CIVIL JUDGE & JMFC.,
MUDIGERE.