

ORDERS ON IA NO.17.

This application is filed at the stage of further chief examination of PW1. The plaintiff has filed this application under Order VII rule 14(3) of CPC seeking permission to produce additional documents i.e., the certified copies of revenue documents and a GPA.

2. The ground urged by the plaintiff in support of present application is that the documents are recently traced by the revenue authority and due to bonafide mistake these documents could not be at the earlier stage. These documents are very much necessary for adjudication.

3. On the other hand, learned counsel for defendant has filed his statement of objections to the present application contending that the present application is highly belated, the original GPA ought to have produced along with the plaint. No satisfactory explanation and reasons are given by the plaintiff in delayed production of GPA. The documents are all concocted and created with collusion of revenue officials.

4. Having heard both side, this Court has carefully perused the entire materials on record.

5. This suit is filed for the relief of bare injunction with respect to the suit property. When the matter is posted for further chief examination of PW1, this application is filed seeking permission to produced GPA and certified copies of revenue documents. It is the case of plaintiff that these documents are necessary for adjudication of present suit. On the other hand, the defendant has resisted the present application on the ground that the application is belated one, documents are created and GPA ought to have filed along with the plaint.

6. It is no doubt that the plaintiff has filed the present suit through his GPA holder. It is now by way of present application, the GPA is being produced along with other revenue documents. Though the plaintiff ought to have produced the GPA along with the plaint, but the GPA one produced with this application is dated 09.11.2020 and the present suit if filed on 19.12.2020. Therefore, it appears that the plaintiff has executed GPA much prior to filing of suit. None production of GPA along with plaint itself cannot be considered as incurable defect as the principle may also ratify the acts done by his agent. Further, the revenue documents appears to be in relation to suit property and the

same may aid in adjudication of suit. Though the defendant has disputed the genuinity of these document, it is open for him to take all such contention during the cross examination of PW1. Therefore, considering the nature of suit, stage at which the present application is filed and so also keeping in view the nature of documents sought for production, this Court is of view to permit the plaintiff to produce additional documents. Hence, the following:

ORDER

I.A. No.17 filed by the plaintiff under Order VII rule 14(3) is hereby allowed. Accordingly the additional documents produced by the plaintiff is taken on record.

For further chief of PW1 by: 22.01.2024.

Sd/-
**Addl. Civil Judge & JMFC.,
Mudigere**