

**ORDERS ON IA NO.XIII 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 hearing on IA No.I. The present application is filed under Order VII rule 14(3) of CPC, seeking leave of this Court to produce the certificate dtd: 10.02.2023 issued by the PDO, Samse Gramapanchayath.

2. It is the contentions of the Plaintiff that, the document which is sought for production is very much necessary to prove the plaintiff's case and if the present application is not allowed the plaintiff will be put to irreparable loss and hardship. On these ground, the plaintiffs pray for allowing the application.

3. On the other hand, the defendants have filed their statement of objections to the present application wherein contended that the application is not supported with an affidavit, the present application is filed only to drag the proceedings. The document sought by the plaintiff is not genuine and the same is irrelevant not admissible in evidence. On these grounds the defendant have sought 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 at the stage of hearing on IA No.I. It is no doubt that the burden is on the Plaintiff to prove his case and for that purpose he may adduce oral and documentary evidence. Further, it is settled principle of law that mere production of documents is by itself is not proof of the same but it has to be proved in accordance with law. Thus, keeping view the settled position of law, this Court deems it fit to allow the present application. Hence the following:

ORDER

I.A. No.XIII 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 document as per list accompanied to the present application.

For hearing on IA No.I.

Sd/-

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