

ORDERS ON IA NO.XIII FILED BY THE
DEFENDANTS UNDER ORDER VIII RULE 1A(3)
R/W SEC.151 OF CPC

The present application is filed by the defendants when the matter is set out for hearing on I.A.No.I. The present application is filed under Order VIII rule 1A(3) of CPC, seeking leave of this Court to produce additional document i.e., certified copy of the meeting proceedings dtd: 04.01.2022 in the book of Samse Grama Panchayath.

2. It is the contentions of the defendants that, the document which is sought for production is necessary in proof of their case and the same is relevant. If the present application is not allowed, they will be put to irreparable loss and hardship. On these ground, the defendants seeks for allowing the application.

3. On the other hand, the plaintiff has filed his statement of objections to the present application contending that the present application is belated one filed to drag the proceedings. The present application divides merit as such the same requires to be rejected.

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

5. This is the suit filed seeking decree of bare injunction with respect to the suit schedule property. The present application is filed by the defendants when the suit is at the stage of hearing on I.A.No.I. 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.

6. It is relevant here to refer the recent 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.

7. Thus, keeping in view the settled position of law and the decision referred supra in the case of Levaku Pedda Reddamma, this Court deems it fit to allow the present application. Hence the following:

ORDER

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

O.S.119/2021

Defendants are permitted to produce the document sought for in the present application.

For hearing on I.A.No.I by: 24.08.2023.

Sd/-

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