

ORDERS ON IA NO.IV FILED BY THE
PLAINTIFFS UNDER ORDER VII RULE 14(3)
R/W SEC.151 OF CPC

The present application is filed by the plaintiffs when the matter is set out for further chief examination of PW1. The present application is filed under Order VII rule 14(3) of CPC, seeking leave of this Court to produce the documents as mentioned in the list accompanied to the present application.

2. It is the contention of plaintiffs that the documents sought for production are traced recently and as such, they could not be produced at the fixed date. If the present application is not allowed, then the plaintiffs will be put to irreparable loss and hardship. On these grounds, the plaintiffs pray for allowing the application.

3. On the other hand, learned counsel for defendants has filed his statement of objections to the present application wherein contended that the application is filed only to drag the proceedings and to harass the defendant. The documents are not genuine and created for the purpose of suit. On these grounds the defendants have sought for rejection of the application.

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

5. The plaintiffs have filed the present suit for partition and separate possession of suit properties.

The present application is filed by the plaintiffs during the stage of further chief examination of PW1 whereby sought permission to produce the revenue documents. The contentions of the plaintiffs is that the proposed documents are traced recently.

6. On the contrary, the defendants have contended that the application is filed to drag the proceeding and no grounds are made out in support of the application. It is germane here to rely on 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, if the nature of the suit is looked into, it is no doubt that mere production of documents does not constitute proof of such documents as they are required to be proved in the manner known to law. Moreover, the defendants have got every opportunity to cross-examine the PW1 on the point of the present documents. Therefore, this Court deems it fit to allow the present application. Hence the following:

ORDER

I.A. No.IV filed by the plaintiffs under Order VII rule 14(3) R/w Sec.151 of CPC is hereby allowed.

Plaintiffs are permitted to produce the document as per list accompanied to the present application.

For further chief-examination of PW1 by 26.09.2024.

SD/-
(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Mudigere.