

ORDER ON I.A.NO.6 FILED BY THE
DEFENDANTS UNDER ORDER 8 RULE
1A(3) R/W SEC. 151 OF CPC.

The present application is filed by Defendants under Order VIII Rule 1A(3) r/w sec. 151 of the Code of Civil Procedure, 1908, seeking permission to produce the following documents;

- (i) Tax Paid receipt;
- (ii) R.T.C extracts;
- (iii) Mutation Register; and
- (iv) Receipt patta.

2. The plaintiffs have filed objections contending that the defendants have not assigned any valid reason for non-production of the documents along with the written statement or at the initial stage of the proceedings. It is further contended that the documents now sought to be

produced are self-serving and are being introduced only to set up a new case, and therefore, the application deserves to be rejected.

3. I have heard the learned counsel for both parties and perused the records.

4. The present suit is filed by the plaintiffs for the relief of specific performance of contract and such other reliefs. Now the case is posted for further chief examination of D.W.1. At this juncture the defendants have come up with this application.

5. Under Order VIII Rule 1A(3) CPC, the Court has discretion to permit production of documents at a later stage if sufficient cause is shown and if such production is necessary for a just adjudication of the matter. A perusal of the documents sought to be produced

indicates that they pertain to Tax Paid receipt, R.T.C extracts, Mutation Register and Receipt patta, which may have relevance to the issues involved in the suit. The documents appear to be in the nature of public/official records maintained in the ordinary course, and their relevancy cannot be ruled out at this stage.

6. Though the defendants have not produced the documents along with the written statement, the delay in production, in the considered opinion of this Court, does not appear to be deliberate or intended to prejudice the plaintiffs. The plaintiffs will have full opportunity to cross-examine the defendants on these documents and also to lead rebuttal evidence, and therefore no prejudice will be caused to

the plaintiffs by permitting their production.

7. In the interest of justice and for proper adjudication of the dispute, the application deserves to be allowed, subject to safeguarding the plaintiffs right to contest the documents.

ORDER

The I.A.No.6 filed by Defendants under Order VIII Rule 1A(3) r/w sec. 151 CPC is hereby allowed.

The defendants are permitted to produce the documents mentioned in the application, subject to payment of cost of Rs.100-00 to the plaintiffs.

Call on for further chief examination of D.W.1 by 16.12.2025.

Sd/-

Senior Civil Judge and JMFC.,
Mudigere.