

**ORDERS ON I.A.NO.VI FILED BY THE
DEFENDANTS U/O VIII RULE I-A(3) OF CPC**

IA.No.VI filed by the defendants U/o VIII rule 1-A(3) of CPC to permit respondent No.1 to produce the document by condoning the delay and to receive the same in evidence on his behalf.

2. On the other hand, the respondent No.2 filed objection to IA No. VI by denying all the averments made in the affidavit annexed to the application.

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

4. The following points arises for my consideration.

1) Whether the respondent No.1 has made out grounds to allow IA No. VI?

2) What order?

5. Heard on IA No. VI by both side

6. My findings on the above points are as follows:

Point No. 1 : In the Affirmative

Point No. 2 : As for the following:

REASONS

7. **Point No. 1:** The applicants contended that, he could not produce the document earlier due to the said documents are not in his custody. The reason for non-producing the documents in time is not intentional and it is bonafide. Hence, respondent No.1 prayed to allow the application.

8. On the other hand the respondent No.2 filed objection to the application and contended that, the respondent No.2 has not issued insurance policy to the car bearing No. KA-5-MK-4626 at the time of accident. Respondent No.2 stated that, the

respondent No.1 created false document. Hence, prays to reject the application.

9. On perusal of the records it reveals that, petitioner has filed the petition for compensation. When the matter is posted for further evidence of respondent No.1, he has filed the present application for production of documents. It is the principle that wide opportunity should be given to the parties to prove their case in the trial court itself. If the IA No. VI is allowed no hardship will be caused to the respondent No.2. On the other hand respondent No.2 has every right to cross-examine the witness on the said documents produced by the respondent No.1. Therefore, to avoid multiplicity of proceedings I inclined to allow the application filed by the respondent No.1. In view of my above discussion I answer point No.1 in the Affirmative.

10. **Point No. 2:** In view of my findings on point No.1 I proceed to pass the following:

ORDER

IA No.VI filed by the respondent No.1 U/o VIII rule 1-A(3) is hereby allowed on costs of Rs.200/-.

The document annexed to the IA No. VI is taken on record. Case posted for further evidence of respondent No.1.

Call on : 10/02/2025

**SENIOR CIVIL JUDGE AND JMFC.
MUDIGERE.**