

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

IA.No.IV filed by the defendants U/o VIII rule 1-A(3) of CPC to grant them leave to produce the document by condoning the delay.

2. On the other hand, the plaintiff filed objection to IA No. IV by denying all the averments made in the memo of facts 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 defendants have made out grounds to allow IA No. IV?

2) What order?

5. Heard on IA No. IV 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, the documents were got very recently and hence they could not produced earlier and in view of which there is no delay in producing the same. The said documents are very much necessary in the suit without which the defendants cannot prove their defence. Hence, defendants prayed to allow the application.

9. On the other hand the plaintiff filed objection to the application and contended

that, the present application has been filed by the defendants to harass the plaintiff and defer justice. Defendants would have produced all the documents relaid by them at the time of filing of the written statement. The documents sought to be produced are irrelevant and inadmissible in evidence. Plaintiff further stated that said documents are got up and concocted in collusion with the revenue officials. Hence, plaintiff prayed to dismiss the application.

10. On perusal of the records it reveals that, plaintiff has filed the suit for specific performance of contract. When the matter is posted for further hearing, DW-1, the defendants have 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. IV is allowed no hardship will be caused to the plaintiff. On the other hand plaintiff has every right to cross-examine the witness on the said documents produced by the defendants.

Therefore, to avoid multiplicity of proceedings I inclined to allow the application filed by the defendants. In view of my above discussion I answer point No.1 in the Affirmative.

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

ORDER

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

The document annexed to the IA No. IV is taken on record. Case posted for further chief of DW-1.

Call on : 20/02/2025

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