

**ORDERS ON I.A.NO.VII U/O 7 RULE 14 OF
CPC FILED BY THE PLAINTIFF**

I.A.No.XVIII filed by the plaintiff U/o VII rule 14 of CPC to permit the plaintiff to produce the documents.

2. On the other hand, the defendants filed objection to IA No. VII and prays to dismiss the application.

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

4. The following points arises for my consideration.

1) Whether the plaintiff has made out grounds to allow IA No. VII?

2) What order?

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

Point No. 1 : In the Affirmative

Point No. 2 : As for the following:

REASONS

6. **Point No. 1:** Plaintiff filed application for condone delay in producing the documents. In the affidavit annexed to the application the GPA hold of the plaintiff stated that, he could not produce the documents mentioned in the list annexed to the application earlier since some were misplaced and some were recently obtained. The documents produced by plaintiff is very much necessary to prove his case. Hence, plaintiff prayed to allow the application.

7. On the other hand, the defendants filed objection to the IA No.VII. In the objection the defendants contended that, the application has been filed at an highly belated stage and after commencement of trial. Defendants stated that, K. Manjegowda who has entered the witness box to give evidence as plaintiff, but now H.K. Manoj, who has filed the present application and tried to produce the documents. Defendants further stated that no where in the affidavit there is description of the document intended to be produce and there is no explanation as to who was in the custody of the intended documents and how

the said H.K. Manoj came to be in possession of the said documents. Defendants stated that, plaintiff has instituted the suit he required to produce all the documentary evidence in his possession or power upon which he intend to rely in support of his case on the said day of filing of the suit and fulfill the mandatory requirement of order VI rule 9 of CPC. The plaintiff has failed to comply the order VII rule 14(1) and (2) of CPC he cannot take shelter under the benefit of sub rule 3 of rule 14 of order 7 of CPC. Defendant further stated that plaintiff has failed to file list of document in requirement of rule 7(6) R/w rule 70 (1) of Karnataka Civil Rule of Practice 1967. Defendants stated that the plaintiff is intending to implant innovated, got up manufactured documents and therefore the application filed by him if allowed will give him immunity to commit further illegality. Hence, defendants prays to reject IA No. VII.

8. On perusal of the records it reveals that, plaintiff has filed the suit for declaration that plaintiff is the absolute owner of the plaint 'A' schedule property and

for vacant possession of plaint 'B' schedule property and for the relief of permanent injunction. When the matter is posted for further chief examination of PW-1 plaintiff came up with the present application for production of documents. In the objection the defendants stated that, in the present case K. Manchegowda, who has entered the witness box to give evidence as plaintiff, but now H.K. Manoj as a GPA holder filed the present application for production of document. The present suit is filed by plaintiff through his GPA holder. There is no bar for the GPA holder of the plaintiff to produced the documents. It is the principle that wide opportunity should be given to the parties to prove his case in the trial court itself. If the IA No. VII is allowed no hardship will be caused to the defendants. The defendants have every right to cross-examine the witness on the said documents produced by the plaintiff. Therefore, to avoid multiplicity of proceedings I inclined to allow the application filed by the plaintiff. In view of my above discussion I answer point No.1 in the Affirmative.

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

ORDER

I.A.No.VII filed by the plaintiff U/o VII rule 14 of CPC is hereby allowed on costs of Rs.200/-.

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

Call on : 04/04/2025

(JAYAPRAKASH V.)
SENIOR CIVIL JUDGE AND JMFC.
MUDIGERE.