

**ORDERS ON I.A.NO.IX FILED BY THE
PLAINTIFF U/O VII RULE 14(3) OF CPC**

I.A.No.IX filed by plaintiff U/O.VII Rule 14(3) of CPC to permit the plaintiff to produce the documents by condoning the delay.

2. On the other hand, the defendant filed objection to I.A.No.IX 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.IX?

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: IA No.IX filed by plaintiff to grant permission to produce the documents by condoning the delay. In the memorandum of facts annexed to the application plaintiff stated

that, he has filed suit of declaration and possession and he is willing to produce the list of documents in order to prove his case. The documents produced along with the application are very much necessary to prove the case of plaintiff. If the application is not allowed plaintiff will be put be hardship, loss and inconvenience. On the other hand if the application is allowed no hardship will be caused to the defendant. Hence, the plaintiff prayed to allow the application.

7. On the other hand, the defendant filed objection to the IA No.IX. In the objection defendant contended that the application filed by plaintiff is not maintainable either in law or on facts. The application filed by the plaintiff is false, frivolous and vexatious. The application filed by the plaintiff is to drag on the proceedings. The present application filed by the plaintiff is highly belated. The documents sought to be produced are got up documents and not genuine. The documents are irrelevant and inadmissible in evidence. Defendant further stated that the document of certificate is not genuine but fabricated. The documents produced

by the plaintiff are all concocted and not admissible in evidence. The documents produced by the plaintiff are not relevant to the present case. Hence the defendant prays to dismiss the application.

8. On perusal of the records it reveals that, plaintiff has filed the suit for declaration and possession of suit schedule property. When the matter is posted for plaintiff evidence, the present application is filed for production of documents by the plaintiff. It is the principle that adequate opportunity should be given to the parties to prove their case in the trial court itself. *The Hon'ble Supreme Court in Levaku Pedda Reddamma & Ors. V/s Gottumukkala Venkata Subbamma & Anr.* In Civil appeal No. 4096/2022, dated 17/05/2022 held as follows:

“The defendant Nos.2 to 5 are in appeal aggrieved against the order passed by the High Court affirming the order passed by the trial Court refusing to permit the appellant to produce additional documents in terms of Order VIII Rule 1 of the Code of Civil Procedure, 1908.

We find that the trial Court as well as the High Court have gravely erred in law in

not permitting the defendants to produce documents, the relevance of which can be examined by the trial Court on the basis of the evidence to be led, but to Signature Not Verified Digitally signed by SWETA BALODI Date: 2022.05.21 deprive a party to the suit not to file documents even if there 10:38:23 IST Reason: is some delay will lead to denial of justice. It is well settled that rules of procedure are hand-maid of justice and, therefore, even if there is some delay, the trial Court should have imposed some costs rather than to decline the production of the documents itself.

Consequently, the appeal is allowed. The orders passed by the trial Court and the High Court are set aside. The appellants – defendant Nos.2 to 5 are permitted to file the documents and to prove the same in accordance with law.”

9. The principle laid down in the above judgment is aptly applicable to the case on hand. If the IA No.IX is allowed no hardship will be caused to the defendant. The defendant has every right to cross-examine the witness on the said documents produced by plaintiff. Therefore, to avoid multiplicity of proceedings I inclined to allow the application filed by plaintiff. 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.IX filed by plaintiff U/o VII Rule 14(3) of CPC is hereby allowed on costs of Rs.200/-.

The document annexed to the IA No.IX is taken on record.

Case posted for plaintiff evidence.
Call on 20.07.2024.

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