

**ORDERS ON I.A.NO.XIII U/O 7 RULE
14(3) OF CPC FILED BY THE PLAINTIFFS**

I.A.No.V filed by the plaintiffs U/o VII rule 14(3) of CPC to condone the delay in producing the list of documents.

2. On the other hand, the defendants filed objection to IA No.XIII 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 plaintiffs have made out grounds to allow IA No. XIII?

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:** In the affidavit annexed to the application the plaintiff stated that he has filed the suit for the relief of declaration and possession of the suit schedule property. Plaintiff submitted that, due to unavoidable circumstances plaintiffs have not produced the documents. The production of documents are necessary for just decision of the suit. Hence, plaintiff prays to allow the application.

7. On the other hand, the defendants filed objection to the IA No.XIII. In the objection the defendants contended that, application filed by the plaintiff to harass the defendants and defer justice. The plaintiff would have produce all the documents relaid by her at the time of filing of the plaint. Even otherwise the documents sought to be produced are irrelevant and in admissible in evidence. The documents is got up and concocted with collusion with the revenue officials. Hence, defendants prays to dismiss the application.

8. On perusal of the records it reveals that, plaintiffs have filed the suit for declaration and possession of suit schedule property. When the matter is posted for evidence of plaintiff, he came up with 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. XIII 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 plaintiffs. Therefore, to avoid multiplicity of proceedings I inclined to allow the application filed by the plaintiffs. 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. XIII filed by the plaintiffs U/o VII rule 14(3) of CPC is hereby allowed on costs of Rs.200/-.

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

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

In the present case due to oversight notice on IA No. XII not issued to the proposed defendant. Hence before considering IA No. XII is is very much necessary to issue notice to proposed defendant. Hence I proceed to pass the following:

ORDER

Issue notice on IA No. XII to the proposed defendant No.5. If PF paid by plaintiff.

Call on 15/02/2025

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