



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
JMFC AT N.R.PURA, ITINERATE AT KOPPA**

Present: Sri Raghunatha Gowda K.T., B.Com.,L.L.B,
Senior Civil Judge & JMFC., N.R.Pura, Itinerate at Koppa

Dated this the 4th day of January, 2025

O.S. No.46/2022

Between:

Plaintiff/s : Sri N.A. Ramu

Vs/-

Defendant/s : N.A. Sreedhara and others

I.A. No.XII

Applicant/Defendant No.4 : N.A. Vasantha,
S/o Late N.V. Ananda
Ram Bhat,
aged 65 years,
R/o Thyagaraja Road,
Bharath Rice Mill,
Koppa Town & Taluk.

V/s

Opponent/ Plaintiff : Sri N.A. Ramu

ORDER ON I.A. No. XII

When the matter posted for further defendant
evidence at this stage the I.A No.XII is filed by the



defendant No.4 U/Order 8 Rule 3 R/w. Section 151 of C.P.C. to file the documents by condone the delay.

2. It is stated in the affidavit annexed with this application, the defendant No.4 contended that at the time of filing the written statement he could not produce the document and the said documents were mis-place in his house, after through search he was able to get the documents and the production of documents is very much necessary to prove his case. Hence he prays to allow this application.

3. Opposing the said applications the plaintiff counsel has filed objection contended that the application filed by the defendant No.4 is not maintainable either in law or facts. Further he contended that in spite of sufficient opportunity given he has not lead his evidence and now he file this application to production of documents with an intention to drag on the proceedings. Further he contended that there is no sufficient grounds to allow this application. Hence he prays to reject the said application.



4. Heard learned counsel for the plaintiff and defendant No.4 and perused the materials placed before the court.

5. Now, the points that would arise for my consideration are:

1. Whether the I.A. No. XII is filed by the defendant No.4 deserves to be allowed ?
2. What order ?

6. My finding on the aforesaid points for consideration is:

Point No.1 : In the Affirmative.

Point No.2 : As per final order
for the following:

REASONS

7. **Point No.1:** Perused the materials placed before the court and it shows that, when the matter posted for further defendants evidence at this stage the present application is filed by the defendant No.4 to production of document by condone the delay.



8. It is the contention of the defendant No.4 that at the earlier stage he could not produce the documents due to the said documents were misplaced and now he filed this application to produce documents is along with death certificate, and in order to prove the case to examine the witness is very much necessary and hence it is necessary to permit him to produce the documents.

9. On analysis of the rival contentions of both the parties and considering the facts and circumstances. The defendant No.4 seeking file witness list of document i.e., death certificate, tax paid receipt and demand register extract in respect of the suit properties and in order to prove the same the defendant No.4 seeking production of documents. Further mere marking of the documents is not suffice to prove the contents of the said documents. Further in order to proper adjudicate of the matter, I am of the opinion that, in the event of allowing this application no hardship will be caused to the plaintiff and the plaintiff is avail every right to cross examined the defendant No.4 on the said documents and in the interest of



justice would be sub served if an opportunity is given to the defendant No.4 to substantiate his claim. However the inconvenience cause to the plaintiffs can be compensated by imposing suitable costs to the defendant No.4. Hence this court proceeds to answer the aforesaid points for consideration in the affirmative and pass the following:

ORDER

I.A. No.XII filed by the defendant No.4
U/Order 8 Rule 3 R/w.. Section 151 of C.P.C.
is hereby allowed on cost of Rs.100/-.

The additional documents produced by
the defendant No.4 taken on record.

(Dictated to the Stenographer directly on the computer,
then corrected and pronounced by me in the open court on
this date the 4th day of January, 2025.)

Sd/-
(Raghunatha Gowda K.T.)
Senior Civil Judge & JMFC.,
N.R.Pura, Itinerate at Koppa.