



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

Present: Smt.B.S.Rayannawar, B.A., L.L.B,
Senior Civil Judge & JMFC.,
N.R.Pura, Itinerate at Koppa.

Dated this the 03rd day of June 2023

OS No.08/2019

BETWEEN:

Smt.Sowmya H.S.

...Plaintiff.

V/s.

AND:

Smt.Sahana H.S. and others

...Defendants.

IA.No.XXII

BETWEEN:

Smt.Sowmya H.S.

...Applicant/Plaintiff.

V/s.

AND:

Smt.Sahana H.S. and others

...Opponents/Defendants.

**COMMON ORDERS ON IA NO.XXII**

The applicant/plaintiff filed IA No.XXII under Order VII Rule 14 (1) R/w Section 151 of CPC to permit the plaintiff to produce the documents.

2. The application is supported with the affidavit of the applicant/plaintiff stating that, the plaintiff intends to produce the rent agreement and electricity bills to the court, which are necessary documents to prove her case, she not get the said documents in time, hence she could not able to produce the same before this court on earlier point of time, hence the delay in producing the document is not intentional one, but is bonafide one, hence prays to allow the application.

3. I.A. opposed by defendant no.6 to 9 by filing written objections contending that, the application filed by the plaintiff is not maintainable under law, the application is filed only to drag on the matter, no proper reasons



shown by the plaintiff to allow the application, if the application is allowed it differs varies the evidence of plaintiff in her chief affidavit and pleadings. Hence prays to dismiss the application.

4. Upon hearing arguments and on perusal of materials placed on record the following points that would arise for my consideration.

POINTS

1. Whether the applicant/plaintiff has made out grounds to allow the application?
2. What order ?
5. My findings to the above points are as under.

Point No.1: In the Affirmative.

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

REASONS

6. **Point No.1:** The plaintiff filed the instant suit against the defendants for partition and separate



possession. Now the case is posted for cross examination of PW.1 at this stage the applicant/plaintiff filed the present application to permit the plaintiff to produce the additional documents.

7. Now the plaintiff intends to produce the rent agreement and electrical bills. Hence it is well settled legal principal that courts while deciding such matters, should not adopt hyper technical approach and liberal approach should the general rule. Technicalities of law should not be permitted to hamper the courts, in the administration of the justice between the parties. As per the plaintiff the said document which intends to produce on necessary document to prove her case. And mere production of a document does not mean that the court has accepted the document. And moreover the defendants have every liberty to cross examine the plaintiff on the said document. Hence if the plaintiff permitted to produce the document no



hardship will be caused to the defendants. Hence to meet out the ends of justice and for striking balance between the interest of the parties, it is just and proper to permit the plaintiff to produce the document. Hence, PW.1 has to be recalled for the production of document hence **point no.1 answered in the Affirmative.**

8. **Point No.2:** In view of the discussions made above this court proceeds to pass the following:

ORDER

I.A.No.XXII filed by the applicant/
plaintiff under Order VII Rule 14 (1)
R/w Section 151 of CPC is hereby
allowed.

PW.1 recalled, for the purpose of
further chief.

(Dictated to the Stenographer directly on the computer, then
corrected and pronounced by me in the open court on this date the
03rd day of June, 2023)

Sd/-

(B.S.Rayannawar)

Senior Civil Judge and JMFC.,
N.R.Pura. Itinerate at Koppa.