

**COMMON ORDERS ON IA.NO.III TO**

**V**

1. I.A.No.III has been filed by the Plaintiff under Section 151 of C.P.C for re-opening the case for the further examination in chief of the Plaintiff.

2. I.A.No.IV has been filed under Order 7 Rule 14(3) r/w Section 151 of C.P.C seeking leave of the Court for production of document along with one document.

3. I.A.No.V has been filed by the Plaintiff under Order 18 Rule 17 r/w Section 151 of C.P.C to permit the Plaintiffs to lead further examination in chief.

4. All these applications are taken up together for disposal by this common order.

5. In the affidavit appended to the applications, it is stated that the document sought to be produced is very much relevant for proper adjudication of the suit; that rejection of the applications would lead to great hardship, irreparable loss and injury to the Plaintiff and that it is necessary to re-open the case for further examination in chief of the Plaintiff, to permit the Plaintiff to lead further examination in chief and to grant leave for production of document. Hence, the prayer is to allow the applications.

6. The applications are resisted by the Defendants by filing objections with the contention that no proper reasons are assigned to allow the applications; that the applications that the document sought to be produced is created only for the purpose of the suit;

that there are no bonafides in filing the applications and that the documents sought to be produced are not necessary or relevant. Hence, the prayer for dismissal of the applications with costs.

7. Learned counsels on both sides have made their respective submissions.

8. Having heard and after perusal of materials placed on record, the sole point that would arise for my consideration is as under;

**“Whether the Plaintiff has made out sufficient grounds to allow the applications in I.A.No.III, IV and V?”**

9. My answer to it is in the '**Affirmative**' for the following reasons:-

10. The suit is one for the relief of rectification of instrument. These applications are filed at the stage when the suit was set down for cross-examination of PW1.

11. It is well settled that the Court while entertaining the applications such as these, is to only look into the relevancy of the documents sought to be produced. The documents however remote it may appear to the facts of the case, may have to be allowed to be brought on record. There cannot be scathing inquiry into the relevancy of the documents at this stage as the same is a subject for appreciation of the evidence at the proper time where the weightage of such evidence can be looked into. Of course, the documents,

if found to be completely irrelevant to the facts of the case, can under no circumstances be allowed to clutter the court records and must be refused at the threshold, the power towards which can be traced to Section 5 of the Evidence Act. However, the documents sought to be produced now by the Plaintiff, in my considered opinion appear to be relevant to the facts of the case. Hence, the applications deserve to be allowed. Even though the Defendants have raised serious objections regarding the relevancy of the document sought to be produced, the applications cannot be rejected on that sole ground alone. Ofcourse, the Defendants would be within their rights to raise dispute about the said document during cross-examination. With the aforesaid discussions, I proceed to pass the following;

**ORDER**

I.A.No.III has been filed by the Plaintiff under Section 151 of C.P.C is hereby allowed.

I.A.No.IV has been filed under Order 7 Rule 14(3) r/w Section 151 of C.P.C is hereby allowed.

I.A.No.V has been filed by the Plaintiff under Order 18 Rule 17 r/w Section 151 of C.P.C is hereby allowed.

The suit is reopened for further examination in chief by Plaintiff, Plaintiff is permitted to lead further examination in chief and the document produced

along with I.A.No.IV is taken on record.

PW1 is hereby directed to be present on the next date of hearing and lead evidence, without fail.

**Civil Judge & JMFC,  
Sringeri.**

**COMMON ORDERS ON IA.NO.VI**

1. I.A.No.VI has been filed by the Plaintiff under Order VIII Rule 1A(3) r/w Section 151 of C.P.C seeking leave of the Court for production of documents along with separate list containing seven documents.

2. In the affidavit appended to the application, it is stated that the documents sought to be produced are very much relevant for proper adjudication of the suit; that delay in production of the documents is because they could not obtain certified copies of the documents in time; that rejection of the application would lead to great hardship, irreparable loss and injury to the Defendants and that it is necessary to grant leave for production of documents. Hence, the prayer is to allow the application.

3. The application is resisted by the Plaintiff by filing objections with the contention that no proper reasons are assigned to allow the application; that the documents sought to be produced are irrelevant and not at all necessary for proper adjudication of this suit; that there are no bonafides in filing the application. Hence, the prayer for dismissal of the application with costs.

4. Learned counsels on both sides have made their respective submissions.

5. Having heard and after perusal of materials placed on record, the sole point that would arise for my consideration is as under;

**“Whether the Defendants have made out sufficient grounds to allow the application in I.A.No.VI?”**

6. My answer to it is in the '**Affirmative**' for the following reasons:-

7. The suit is one for the relief of rectification of instrument. This application is filed at the stage when the suit was set down for cross-examination of PW1.

8. It is well settled that, the Court while entertaining the application such as these, is to only look into the relevance of the documents sought to be produced. The documents however remote it may appear to the facts of the case, may have to be allowed to be brought on record. There cannot be scathing inquiry into the relevancy of the documents at this stage as the same is a subject for appreciation of the evidence at the proper time where the weightage of such evidence can be looked into. Of course, the documents, if found to be completely irrelevant to the facts of the case, can under no circumstances be allowed to clutter the court records and must be refused at the threshold, the power towards which can be traced to Section 5 of the

Evidence Act. However, the documents sought to be produced now by the Defendants, in my considered opinion appear to be relevant to the facts of the case. Hence, the application deserve to be allowed. Even though the Plaintiff has raised serious objections regarding the relevancy of the documents sought to be produced, the application cannot be rejected on that sole ground alone. Ofcourse, the Plaintiff would be within her right to raise dispute about the said documents during cross-examination. With the aforesaid discussions, I proceed to pass the following;

**ORDER**

I.A.No.VI has been filed by the Defendants under Order VIII Rule 1A(3) r/w Section 151 of C.P.C is hereby allowed.

The documents produced along with I.A.No.VI being seven in number are taken on record.

**Civil Judge & JMFC,  
Sringeri.**

Since the applications in I.A.No.III & V have been allowed, now the case stands posted for Further Chief-Examination of PW1.

Call on: 27.10.2023.

**Civil Judge & JMFC,  
Sringeri.**

O.S.NO. 5/2023