

KACN320012582012



IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC,
AT KOLLEGALA

PRESENT : SRI. M. RANJITH KUMAR B.A,L' L.L.B.
Addl. Civil Judge & JMFC., Kollegala.

Dated on this the 23rd day of September 2025

O.S. NO.24/2012

Plaintiff : Sri.Venkatachala @Rajanna

Versus

Defendants : Sri.Thimmadasegowda & others

INTERIM APPLICATION NO -XIX

Applicant/ : Sri.Venkatachala @Rajanna
(Plaintiff)

Versus

Opponents/ : Sri.Thimmadasegowda & others
(Defendants)

ORDER ON IA-XIX

1) The plaintiff has filed the IA No.XIX under Order VII Rule 14(1) R/w Section 151 of Code of Civil Procedure, seeking permission of this Court for production of additional documents, on the grounds that the defendant No.3 in their cross examination have suggested regarding existence of other joint family properties available for partition and the plaintiff is now inserting such properties in the present suit under separate application and in the present application is producing the documents with regard to the properties which are sought for insertion under IA No-XX.

2) In counter to the application the defendant No.3 has filed objection by contending that, the application filed by the plaintiff is not maintainable and the defendant in his written statement had already disclosed regarding Sale Deed dated 17.10.1986, but the plaintiff kept silent from 2012 to till date and has come up with the present application. Accordingly sought for dismissal of the application.

3) Heard learned counsel for plaintiff and learned counsel for defendants, perused materials on record, accordingly the following are the points for consideration of this court.

1. Whether the plaintiff has made out ground to allow IA No.XIX?

2. What order ?

4) For the foregoing reasons, this court answers the above points for consideration as hereunder.

Point No.1 – In the Affirmative

Point No.2 – As per final order.

REASONS

5) Point No.1:-

The plaintiff has filed the present application under Order VII Rule 14(1) of CPC, seeking permission of this court for production of additional documents with regard to proposed schedule properties to which the defendant No.3 objects by stating that the plaintiff had knowledge of the said fact as early as in the year 2012, but the plaintiff slept for so

long years and has now come up with present application, which is untenable in nature.

6) On perusal of the materials and records, it could be observed that the plaintiff is seeking for insertion of additional properties by filing application under IA No-XX and the documents sought for production in the present application are related to the said proposed schedule properties. The Hon'ble High Court of Karnataka in the case of ***Nanjundashetty @N.S.Thallamma & Others Vs. M/S Thallamma Subbarayashetty & sons & others.*** has held that the court while considering application for production of documents shall consider the relevancy of the documents sought for production rather than the delay in for production. Accordingly, relying on the principle laid down by the Hon'ble High Court of Karnataka, the documents sought for production being documents with regard to alleged joint family properties are relevant to the present case on hand and in so far as delay in production is concerned, it may be

compensated by imposing adequate costs. Accordingly this court answers the **Point No.1 in the Affirmative.**

7) POINT NO.2: For the reasons stated above this court proceeds to pass the following order.

:- ORDER :-

IA No.XIX filed by the plaintiff under order VII Rule 14(1) R/w Section 151 of Code of Civil Procedure is hereby allowed, on the cost of Rs.1000/-.

Consequently documents produced along with IA No-XIX are taken on record.

(Dictated to the stenographer, transcribed and typed by him, the same is corrected, signed and then pronounced by me in the open court on this the 23rd day of September 2025).

(M. RANJITH KUMAR)
Addl.Civil Judge & JMFC.,
Kollegala.