

ORDER ON IA NO. IV

The plaintiff has filed an application U/O XIII Rule 10 r/w Sec.151 of CPC seeking an order for summoning the documents mentioned in the schedule from the file of Com.O.S.5/2021 on the file of this court.

The plaintiff has sworn to the affidavit stating that he has filed the suit against the defendant seeking recovery of ₹5,31,474/- for supplying the materials to it. He has maintained a single bill book which covers all the transaction with regard to supply of materials to Donehalli Gram-Panchayath and he has produced the original bill book in suit filed against the Pallagatte Gram-Panchayath in Com.O.S.No.5/2021 pending on the file of this court and the same is necessary in order to get mark the relevant portion in the said book as an exhibit during the evidence. No prejudice would be caused to other side if the application is allowed. Hence, it is prayed to allow the application by summoning the document as mentioned in the schedule.

The defendant has not filed any objection to the said application in spite of sufficient opportunity and thereafter, it is taken as objection not filed.

On going through the records, it reveals that the suit is filed for recovery of money of ₹5,31,474/-. The defendants filed the written statement. Now the case is set down for plaintiff's evidence. At this stage, the plaintiff has filed this application to summon the document from Com.O.S.5/2021

pending on the file of this Court to mark the relevant portion during the evidence. The summoning the document is Original Bill Book, prima-facie it may contains the document for transaction between the plaintiff and the defendants pertaining to the present suit. The defendants have not filed any objection for the said application. Hence, there is prima-facie material to allow the application filed by the plaintiff. If application is allowed no prejudice or harm would be caused to the defendants. On the other hand, if application is not allowed, prejudice may cause to the plaintiff in proving his case. Therefore, this Court is of the opinion that the the application i.e., I.A.No.IV filed by the plaintiff deserves to be allowed and hence, I proceed to pass the following;

O R D E R

I.A.No.IV is allowed.

Office is directed to put up the document i.e.,
original Bill Book produced in
Com.O.S.No.5/2021, in this case.

(Typed to my dictation by the Judgment Writer, after his typing, corrected, signed and then pronounced by me in the Open Court dated this the 13th day of December, 2022).

Prl.District & Sessions Judge,
Davanagere.