

KADG220002052018



IN THE COURT OF THE PRL. CIVIL JUDGE AND
J.M.F.C., CHANNAGIRI

:: Present ::

Shri. Siddalingayya B.Gangadharamath
B.Com. L.L.B.,(Spl)
Prl. Civil Judge and J.M.F.C.,
Channagiri.

O.S.No.45/2018

Dated this the 6th Day of June 2024

PLAINTIFFS : Sri. C.L.Siddappa and Others
V/s

DEFENDANTS : M/s TUMCOS Ltd. & Another

I.A.NO.XXV

Applicants/plaintiffs : Sri. C.L.Siddappa and Others
V/s

Opponents/defendants: M/s.TUMCOS Ltd. & Another

1.	Provision under which the application is filed	Under Order 7 Rule 14 of CPC
2.	Relief sought for	Condone the delay in filing the document

3	Date on which the application is filed	05.04.2024
4.	Number of the application	I.A.No.XXV
5.	Date on which the objections are filed by different opponents	23.04.2024
6.	The date on which the orders is passed	06.06.2024

ORDER ON I.A.No.XXV

It is the application of plaintiffs under Order 7 Rule 14 of CPC seeking permission to produce the documents enlisted with the list of documents. The said application filed at the stage of further chief of PW.1 after amendment of pleadings by virtue of order passed on I.A.No.XXIV, dated 15.02.2024.

**2. SOME AND SUBSTANCE OF AFFIDAVIT FILED
IN SUPPORT OF THE APPLICATION AS UNDER:-**

The plaintiff No.1 has sworn the affidavit, wherein he stated that, he got amended the pleadings in view of subsequent developments. In that connection, the plaintiffs want to rely the documents which are the communications between Town Municipality of Channagiri and necessary requisitions for stoppage of alleged encroached construction of defendants in the suit schedule property. More particularly the compound wall and formation of the drainage. Thus, the plaintiffs prayed to allow the application.

3. STATEMENT OF OBJECTION FILED BY THE DEFENDANT NO.1 AS UNDER:

The defendant No.1 filed the objection denying each and every contents of the affidavit filed in support of the application. According to defendant No.1, the application on hand is belated and is filed to fill up the gap which is appearing in the evidence of plaintiff. It is also the specific contention of the defendant No.1 that, the PW.1 having admitted the existence of actual state of affairs filed this false application and trying to place the corresponding letters to fill up the lacuna. Thus, the defendant No.1 submitted that, the documents are irrelevant and that cannot be permitted to place on record. Accordingly, the defendant No.1 prays to reject the application.

4. Based on the rival contentions raised by the both the parties, the following points would arise for my consideration.

POINTS

1. Whether the plaintiffs made out grounds to allow this application?

2. What Order?

5. Heard the learned Advocates appearing for plaintiffs and defendants. Perused documents placed on record, my answer to the above points are as under:-

POINTS

Point No.1 : In the Affirmative,

Point No.2 : As per final order

for the following:

:: REASONS ::

6. Point No.1:- It is material to refer the certain events that have taken place in this suit. The plaintiffs filed the suit for permanent injunction and later got converted the same for the relief of mandatory injunction by virtue of order passed by this court on I.A.No.XXIV dated 15.02.2024. The main grounds for adding the pleadings is the subsequent developments that took place after the evidence of PW.1 and after filing of this suit. That has been regarded by this court and permitted the plaintiffs to include the necessary prayer. Accordingly, the plaintiffs amended the plaint and supplied amended plaint. Thereafter, the necessary issues with regard to the amended portion have been framed by this court on 30.03.2024 and put the matter for further examination in chief of PW.1 in so far as the amended portion and additional issues are concerned. At that stage, the application on hand is filed to place certain documents which are based for amending the pleadings, as per Order on I.A.No.XXIV. Admittedly, those documents are subsequent documents and have been narrated under the application filed under Order 6 Rule 17 of CPC. Thus, in my considered opinion, the objection that has been raised

by the defendant No.1 is absolutely not considerable to reject the application on hand.

7. The documents are absolutely relevant for the purpose of determination of real facts and questions involved in this suit. Further, the defendant No.1 has every right to cross examine the PW.1 on the proposed documents also. It is also material to refer the settled preposition of law that, the parties can place documents even without placing them with the plaint if such documents are not referred in the pleadings. It also well settled that the court can allow the party to place documents at belated stage also, subject to relevancy and bonafides.

8. In the case on hand, both the plaintiffs referred in the events which have been necessitated to place the proposed documents in the pleadings, but it was after the amendment and not at the original pleadings. Thus, in my considered opinion, the application needs to be allowed to meet the ends of justice and equity. Accordingly, the **Point No.1** held in the **Affirmative**.

9. Point No.2:- As a result, I proceed to pass the following;

ORDER

**I.A.No.XXV filed Under Order 7
Rule 14 of CPC by the plaintiffs is
hereby allowed on cost of Rs.200/-.**

Consequently, the plaintiffs are permitted to place the documents enlisted with the list of documents annexed to the application.

(Dictated to the stenographer typed by her directly on computer, corrected and then pronounced by me in Open Court on this **6th day of June, 2024**)

Sd/-

(Siddalingayya B.Gangadharamath)
Prl. Civil Judge & J.M.F.C.,
Channagiri.