

Order on I.A. No. 4

The Plaintiff filed IA-4 u/O.11 R.1(5) r/w S.151 of CPC praying to receive the documents mentioned in IA No.4 after condoning the delay in filing the same.

In the memorandum of facts, the documents which is now sought to be produced are very much necessary to prove the suit of the plaintiff. The documents sought to be produced by the plaintiff are all certified copies. At the time of the filing of this suit these documents were not obtained by the plaintiffs from the concerned authorities and some of the documents are filed before the other court also. Hence, there is no dishonest intention behind delay in the production of the documents, the delay in

production of the same is neither intentional nor deliberate. Hence, prayed to allow IA No.4.

The defendant No.1 has filed any objection on I.A.No.4 and it is stated that, the IA is not maintainable at law and on facts. The documents sought to be placed on record are certified copies which would have been secured earlier but not produced. The reasons assigned for their non production demonstrate the seriousness with which the matter is being prosecuted. On the reasons assigned, the IA is liable to be rejected as the same are neither valid nor genuine. The proceeding is at the stage of further evidence of the plaintiff and the proceedings is being taken up as provided under OR.XV.A of CP code. Hence, the plaintiff cannot seek the indulgence of the Court for producing the documents at their whims and fancy. Hence, prayed to reject the IA No.4.

Heard both sides and perused.

Upon perusal it is noted that, document No.1 – Certified copy of the statement of account for the period from 05.01.2001 to 10.01.2021, document No.2 – certified copy of the Consumer History Statement for the period from 11.10.2019 to 11.10.2022 issued by Mangaluru Electricity Supply Company Limited, document No.3 –

Certified copy of the Lease Agreement and document No. 4 – certified copy of the Certificate.

As the proposed documents were found necessary for complete adjudication and on the other hand as the defendant's would not be prejudiced in any way and they are having an opportunity to cross-examine the witness as to the authenticity of the documents. In the interest of justice, I proceed to pass the following:

Order

IA-4 filed u/O.11 R.1(5) r/w S.151 of CPC by the plaintiff is hereby allowed.

For Plaintiff evidence by 07-11-2024.

IV ADJ, Mangaluru.