

ORDERS ON I.A.No.XVI

The plaintiff has filed this application under Order VII Rule 14(3) and Sec.151 of CPC seeking permission to condone the delay for production of documents.

2. The GPA holder of the plaintiff submitted that, the documents produced along with the application are the certified copies of plaint and entire order sheet in O.S.No.82/2019, its contents are subsequently caused after filing the above suit. Therefore, could not produced along with the plaint as they were not available at that time. The pleadings made in O.S.No.82/2019 is also pleaded in the written statement of the above case. The said case being disposed by dismiss as per order dated 12.01.2024, the facts of the proposed documents are related the present case. Therefore, the delay in producing the documents now sought for production may be allowed after condoning the delay, if the relief is not granted it will suffer irreparable loss, hardship and injury and the defendants herein have no any hardship, loss or injury if the above application is allowed. The delay is not willful or mollified reason and it is with the

bonafide reason. Accordingly, he prays to allow the application.

3. The defendant No.3 has filed objections contending that, the application for production of document is false, frivolous, vexatious and not maintainable. The application is filed only to drag on the matter without tendering to trial of the case as attempted so far. Hence, the IA seeking to review the same does not arise at all. The documents produced is not at all connected to the merits of the suit and the plaintiff is liable to prove the prima facie requirement of the document in this case. Hence, prays to dismiss the I.A.

4. Heard Arguments. Perused the materials available on record.

5. It must be noted that, when the matter is posted for further chief of PW-1, the present application is filed seeking permission to produce the documents. The documents produced by the plaintiff are the certified copies. The plaintiff has not produced the said documents along with the plaint as the said documents are obtained recently. If those documents are not received by this court then the plaintiff may

not able to get marked before any other court since this court is the first court to adjudicate the matter in completely and effectively. Based on technicality, if the IA is rejected then injustice is caused to the plaintiff. If those documents are not received then the plaintiff may not be able to prove his case before any other court. In order to prove the oral evidence, the documents are very much necessary and at the same time in order to adjudicate the matter in issue effectively it is just and necessary to go through on those documents. It is a fundamental principle that matter should always be decided on merits by providing an opportunity to both the parties to produce the documents. The defendant has got every right to cross-examine PW-1 to discredit the contents of the said documents if the said documents are marked through PW-1. Hence, justice demands this court to allow the application. Accordingly, I proceed to pass the following;

ORDER

The IA No.XVI filed by the plaintiff under Order VII Rule 14(3) and Section 151 of CPC is hereby allowed.

In the result, the documents produced I.A No.XVI are taken on record.

**For further chief of PW-1 by
23.06.2025.**

**Senior Civil Judge & JMFC,
Sullia, D.K.**