

ORDER ON I.A.NO.II

The present application is filed, when the matter was posted for further cross examination of PW-1.

2. This IA No.II is filed by the plaintiff U/o. VII Rule 14(3) and Sec.151 of CPC to condone the delay in production of document i.e., original agreement dated 26/01/2021 entered between plaintiff and defendant.

3. In the said application it is stated by the plaintiff that, due to oversight, plaintiff could not produce the document listed in the application. The said document is the agreement entered between plaintiff and the defendant in respect of money transaction. The delay in producing the same is neither intentional nor deliberate. No hardship will cause to the defendant if the I.A. is allowed and document is received. On the other hand, if the I.A. is rejected plaintiff will suffer irreparable loss and hardships. ***Therefore, plaintiff prayed to allow the application.***

4. On the other hand, the counsel for defendant filed the objection stating that, the application for production of document is not maintainable either on law or facts of the case. The very purpose of application is an deliberate intention to fill up the lacuna in cross-examination of PW1. Since already PW-1 partly cross-examined it is an attempt to defeat the effect of cross-

examination. The reason stated in affidavit for non production is entirely different than he deposed in cross-examination. Since the document sought to be produced is not relevant as suit is barred under law of limitation and cross-examination of PW-1 is already conducted. There is no just and reasonable ground for non production of the document earlier. ***Therefore, prayed to dismiss the application.***

5. Heard the arguments and perused the materials on record.

6. On perusal of records it reveals that, when the case is posted for further cross examination of PW-1, plaintiff had filed an application seeking permission to produce the document. It is the general principle that wide opportunity should be given to the parties to prove their contention in the trial court itself. Hence, by considering that, I opine that, if the plaintiff is permitted to produce the said document, no hardship will be caused to the defendant. To avoid the multiplicity of proceedings, this court inclined to allow the application filed by the plaintiff. Hence, in view of my above discussion, I proceed to pass following-

ORDER

I.A.NoII filed by the plaintiff is hereby **allowed.**

The document filed along with the I.A. No.II is taken on record.

For further, cross examination of PW-1
by: 17/09/2025

Civil Judge & J.M.F.C,
Sullia, D.K.