

08.08.2023

ORDRE ON IA No.VII

The counsel for the defendants has filed this application under Order VIII Rule 1(A) and Sec.151 of CPC praying to condone the delay in filing the documents produced and to receive the same.

2. In the memo of fact it is stated that, the proposed documents were in the file of Sr.Civil Judge & JMFC, Moodbidri in RA No.60/2023 and said documents are very relevant to this suit. Hence, prays to allow the application.

3. On the other hand, plaintiff's counsel filed objection and oppose to allow the application. It is stated that, the application and written statement filed by them itself shows that the proposed documents were readily available to the defendants and not in the file of the Sr.Civil Judge & JMFC, Moodbidri as stated. The subject matter of the proposed documents are completely unconnected to the present suit. There is no reasons given as to how the proposed documents are necessary to this case. Hence, prays to dismiss the application with cost.

4. Heard and perused.

5. The defendants prayed to permit them to file the documents. The plaintiff has every right to cross examine defendants on those documents and disprove the same. As per defendants, the proposed documents are in the file of Sr.Civil Judge & JMFC, Moodbidri in RA No.60/2023. If one more opportunity has granted to the defendants, no hardship will caused to the plaintiff. As per the defendants, to prove their case, the proposed documents are very much necessary. Therefore, in the interest of justice, the present application is deserves to be allowed. Hence, this court proceed to pass the following:-

ORDER

The I.A.No.VII filed by the defendants under Order VIII Rule 1(A) and Sec.151 of CPC is hereby allowed on cost of Rs.100/-.

Sd/-

Civil Judge & JMFC,
Moodbidri

For further chief of DW.1 by **26.08.2023.**

Sd/-

Civil Judge & JMFC,
Moodbidri