

**IN THE COURT OF PRINCIPAL SENIOR CIVIL
JUDGE & CJM., DHARWAD**

O.S No. 120/2015

Present : Smt. Sumangala S Basavannour,
Prl. Senior Civil Judge and
CJM.,Dharwad.

Dated : This the 23rd day of September, 2016.

Plaintiff : 1. Smt.Shantavva,
W/o Ashok Jyoti,
Age: 50 years, Occ: House hold & Agriculture,
R/o Maradagi, Dharwad.

(By Sri P.S. Udikeri, Advocate)

Vs.

Defendants : 1. Ningappa S/o Basappa Neginahal,
Aged : 55 years, Occ : Agriculture,
R/o Shivalli, Dharwad.

2. Basappa S/o Ningappa Neginahal,
Aged : 28 years, Occ : Agriculture,
R/o Shivalli, Dharwad.

(D-1,2 by Sri M.M. Malagi, Advocate)

Parties to IA

Applicant : Smt. Shantavva Ashok Jyoti
(Plaintiff)

Vs

Opponents : Ningappa and another
(Defendants)

**ORDER ON THE APPLICATION FILED BY THE PLAINTIFF
UNDER ORDER VII RULE 14(3) R/W SECTION 151 OF CPC**

1. The Plaintiff filed application under Order 7 Rule 14(3) R/w Section 151 of CPC for production of Declaration Certificate issued by Gram Panchayat Shivalli about Suit property VPC No. 393, Record of Rights pertaining to Suit properties bearing Block No. 212 and 213.

2. In the affidavit accompanying the present application, the Plaintiff stated that she has filed this suit for partition in respect of Suit property against the Defendants. Earlier Record of right produced by her is not clear and fully legible and she was not having Declaration Certificate. Further due to urgency involved in the matter she was constrained to file the suit without producing the said documents . As the documents as mentioned in the annexed list are public documents and she has obtained the said documents from the competent authority and producing the same. The said documents are very essential documents to adjudicate the present case. If this application is allowed then no harm will cause to other side. On the contrary if the present application is not allowed it will put to irreparable loss and injustice to her.

3. The Defendants have filed objections stating that at the stage of her evidence Plaintiff came with this

application to delay the proceedings. They further contended that Plaintiff has filed the said application seeking production of some private documents without any specific reason and therefore the said application is liable to be dismissed.

4. Perused the record . This suit is filed for Partition. The Order Sheet reveals that at the stage of further examination in chief of P.W.1, the said application came to be filed by the Plaintiff . The Plaintiff contention that some of the documents produced by her are not legible and not clear and some of the documents are not available to her and due to some urgency involved in the matter she was constrained to file the suit without producing the said documents . Now Plaintiff sought permission to produce Declaration Certificate issued by Gram Panchayat Shivalli about Suit property VPC No. 393, Record of Rights pertaining to Suit properties bearing Block No. 212 and 213 .

5. On the other hand the Defendants contention that the production of documents at this stage is neither essential nor necessary to decide the case on merit.

6. The Plaintiff has filed the present application for productions of documents at the stage of further examination in chief of P.W.1. It shows that still the case is at initial stage at this stage if the permission is granted

for production of documents. It would not cause any harm to the Defendants . However the Defendants have the opportunity to cross examine P.W.1 on these documents. Admittedly these documents are pertains to Suit properties. If the present application is not allowed, it would leads to multiplicity of proceedings . Further the present application is to be allowed it would help final adjudication of present case.

7. Considering all the facts and circumstances, I answer the above point in the Affirmative . However delay caused by the Plaintiff for production of documents has to be compensated with cost. In the result , I proceed to pass the following :

ORDER

**The application filed by the
Plaintiff under Order 7 Rule 14(3) R/w
Section 151 of CPC is hereby allowed
with cost of Rs. 200/-.**

(Directly dictated to the Typist, directly on the Computer System, corrected and then pronounced by me in the open Court on this the 23rd day of September, 2016)

**(Sumangala S. Basavannour)
Prl. Senior Civil Judge &
CJM.,Dharwad.**