

IN THE COURT OF THE II ADDITIONAL SENIOR CIVIL**JUDGE AND J.M.F.C. HUBBALLI**

Present:- Smt.Deepa G Manerkar,
B.Com. L.L.B, (Spl.)
II Addl. Senior Civil Judge & J.M.F.C.,
Hubballi.

Dated this the 17th day of November 2025

O.S. No. 95/2023

Kum. Shritej S/o Kirankumar Bhusanurmata and
another

...Plaintiff/s

-Versus -

Gangayya Bhusanurmata and others

.....Defendants

IA.No.VII

Prabhavati W/o Kirankumar Bhusanurmata

APPLICANT/ PLTFF.2

Versus -

Gangayya Bhusanurmata and others

OPPONENT/ DEFENDANTS

ORDERS ON I.A.NO.VII FILED U/O. VII RULE 14
R/W SEC.151 OF CPC.

The present I.A. No.VII is filed by the counsel for the plaintiffs to permit him to produce the documents as per list annexed with this application.

2. In the affidavit accompanying the present I.A. it is sworn by the plaintiff No.2 that the present case is posted for further plaintiff evidence. On 16-09-2025 the advocate for the defendant No.4 to 6 has cross examined her. In her cross examination the advocate enquired about her presence during her house warming ceremony and asked her to produce photographs to show her presence. Hence, she intends to produce related photographs along with CD as per list. She has not produced the photographs as earlier. Hence, non production of the said photographs along with CD on earlier occasions is neither intentional nor deliberate. That, if the

permission is not accorded to produce the said documents, she will be put to untold hardship and on the contrary no loss or hardship will be caused to the other side. Hence prayed to allow the I.As.

3. The counsel for the defendant No.1 to 3 has filed objection to the present I.A. same is adopted by defendant No.4 to 6 by filing memo. It is contended that, the alleged photographs produced by the plaintiff are claimed to have taken from her mobile phone do not contain any indication of the date, place and time of the alleged function. There is no any data or other evidence to establish when the said photographs were actually taken. Hence, authenticity and relevancy of the said photographs are disputed and hence, they are not relevant to decide the case on merits. That the requisite certificate under Se.65B of Evidence Act i.e., certificate of the photographs is not filed before this Hon'ble court therefore secondary evidence without

the certificate is not maintainable and the plaintiff cannot be permitted to produce the same. If Hon'ble court allows the plaintiff to produce said documents then untold hardship will be caused to the defendants. Hence, prayed to dismiss the I.A.

4. On the basis of rival contentions, the points that would arise for my consideration is:

1. Whether the present application is deserves to be allowed?
2. What Order?
5. Heard arguments from both sides.
6. My findings on the above point is as

follows :-

Point No.1 : In the affirmative

Point No.2 : As per final order
for the following;-

REASONS

7. **Point No.1**:- The present I.A. is filed by the counsel for plaintiff to permit her to produce about

photographs to her presence during her house warming ceremony. In the present case the matter was posted for further plaintiff evidence. The defendant has raised objection stating that the alleged photographs produced by the plaintiff are claimed to have taken from her mobile phone do not contain date, place and time of the alleged function.

8. No doubt the plaintiff has not produced of said photographs at earlier stage and also at present certificate under Sec.65(B) of Indian Evidence Act, but it is established principle that lis has to be decided by giving opportunity to the party to produce all possible evidence and decide the case on merits. Therefore, if the present application is allowed no hardship or loss will be caused to the defendants. Therefore, subject to relevancy and proof if the documents are taken on record it would meet ends of the justice. However, the counsel for defendants can cross examine the witness

about the relevancy of said photographs and can raise objection at the time of marking of said photographs and 65(B) certificate. In order to give opportunity to the plaintiff to adduce evidence present application deserves to be allowed on cost. Hence, above point is answered in the Affirmative.

9. **Point No.2:-** In view of findings on point No.1, this court proceed to pass the following:

ORDER

I.A.No.VII filed by the counsel for the plaintiff U/O.VII Rule 14 R/w Sec.151 of CPC are hereby allowed on cost of Rs.200/-.

The documents produced under I.A.No.VII are taken on record subject to relevancy and proof.

(Directly dictated to the stenographer on computer, typed by her, corrected by me and then pronounced in the open court on this the 17th day of November 2025.)

Sd/-

(Smt. Deepa G. Manerkar)
II Addl. Senor Civil Judge and JMFC
Hubballi.