

10.06.2026

For Orders on I.A. IV

ORDERS ON I.A.NO.IV

The learned counsel for petitioner filed an I.A. No.IV under Order VII Rule 14 R/w Section 151 of C.P.C., seeking permission to produce documents.

2. The respondent No.1 has filed objections to the I.A. No.IV.

3. Heard arguments.

4. The brief facts of the annexed affidavit is that, earlier some of the documents traced recently. The said documents shall throw light for proper adjudication of the matter. Hence, the production of the said documents is necessary. If the said documents are produced no loss or injustice will be caused to the otherside on the other hand if not permitted he will be put to untold loss and hardship. Hence, prayed to allow the application.

5. The objections of the respondent No.1 is that, the application filed by the petitioner is not maintainable in law or on facts and deserves to be dismissed. The award under Sec.28 of Karnataka Highways Act, 1964 ("KH Act" for short) pertaining to CTS No.3450/A/1A

measuring 957 sq. ft. was passed on 20.09.2016 and award notice dated:24.10.2016 was issued to the claimant. As per Sec.35 of the KH Act, the claimant if he is not satisfied with the award amount determined by the SLAO, then the claimant ought to file the reference application within six weeks from the date of the award. It is pertinent to submit that though the award was passed on 20.09.2016, the claimant has filed his reference application on 27.08.2024, after an inordinate delay of nearly 8 years and no sufficient cause is shown forth in the delay condonation application filed by him. The reference application is hopelessly barred by law of limitation as there is abnormal delay of 8 years. The KH Act U/s 35(3) provides for the period of limitation under Section 5, 12 and 14 of the Limitation Act, 1963. It is pertinent to submit that the claimant has filed the delay condonation application along with the reference application and this respondent has also filed objections to the same.

It is further contended that the claimant ought to lead his evidence on delay condonation application as it is trite

law that any delay has to be first dealt prior to proceeding with the case on merits. The other side counsel on the last occasion made a submission to this Court that any delay in filing the reference application has to be condoned by the SLAO itself and this Court has no jurisdiction to hear or proceed with the delay condonation application, this was a baseless statement made by the counsel and stated that the Court can proceed directly with merits of the case and filed the above application U/o VII Rule 14 of CPC. As per the cardinal principle of law the SLAO has no authority/power to hear or condone the delay caused in filing the reference application, the duty of the SLAO is to only refer the reference application along with application filed if any to the Reference Court. Therefore, the Reference Court has the authority/power to hear on delay condonation application. There are no proper reasons stated in the affidavit filed under Sec.5 of the Limitation Act by the claimant. The claimant is trying to mislead this Court by evading from leading evidence on delay as per law. Even for instance in similar LAC matters the other Hon'ble Reference

Courts in Hubballi and Dharwad relating to the same acquisition under KH Act, have exercised the power and jurisdiction of hearing the evidence on delay condonation application filed U/s 5 of Limitation Act. Hence, prayed to dismiss the application.

6. On perusal of the entire materials available on record it is noticed to the Court that the petitioner has filed the present application seeking permission to produce additional documents. On the otherhand, the respondents have opposed the application contending that there is an inordinate delay in filing the present petition and without condonation of delay, without evidence on delay application they proceed further directly. Therefore, said application is not maintainable.

7. On perusal of the Order 7 Rule 14(3) of CPC, it is evident that the court is vested with discretion to grant leave for production of documents not produced along with the petition. The provision does not prescribe any limitation for seeking such leave. Therefore, mere delay in filing the petition by itself is not sufficient to reject the application. The relevancy, admissibility and evidentiary

value of the documents are matter to be considered during trial. Since the applicant contents that the documents are necessary and traced subsequently and for proper adjudication of the dispute, and as an opportunity can be afforded to the respondent to meet the documents, this Court is of the opinion that the hands of justice require granting leave. Therefore, whatever the contention taken by the respondents is to be considered after full fledged trial. Anyhow, the delay is caused to file the present application. Accordingly, it is to be allowed subject to payment of cost. Hence, I proceed to pass the following:

ORDER

The I.A. No.IV filed by the learned counsel for the petitioner under Order VII Rule 14 R/w Section 151 of CPC is hereby allowed on cost of Rs.200/-.

sd/-

I Addl. Senior Civil Judge and JMFC.,
Hubballi.