

**IN THE COURT OF SENIOR CIVIL JUDGE AND
JMFC, KALAGHATAGI**

PRESENT

**SRI. RAVINDRA L. HONOLE, B.A., LL.B. (Spl)
SENIOR CIVIL JUDGE AND JMFC, KALAGHATAGI**

DATED THIS 23RD DAY OF JUNE 2025

R.A. No.14/2024

Appellants:

Manjayya S/o Somayya Pujar and others

(Sri. A.C.C., Adv)

Vs

Respondents:

Smt. Kamalavva W/o Ishwarayya Pujar
and others

(R-1,2 Sri.R.B.H., Adv)

(R-3 Absent)

PARTIES TO I.A.No.4

Applicants :

Manjayya S/o Somayya Pujar and others

Vs

Opponents:

Smt. Kamalavva W/o Ishwarayya Pujar
and others

ORDER ON I.A.No.4

The appellants have filed this application u/o
41 rule 27 of CPC and seeking permission to produce
list of documents.

2. The application is supported by the affidavit sworn to by the appellendant No.3 wherein it is contended that they have preferred appeal against judgment and decree passed in O.S.No.135/2011 dated 29.11.2023. They are unable to produce documents in time. His brother was suffering from ill-health and another brother was taking care and they are also busy in agricultural work and also facing financial crisis, therefore, unable to produce the documents produced under list. If the application is allowed no harm or hardship would be caused to the other side. Therefore, prays for allowing the application.

3. The respondents have filed objections denying the contents of application. It is submitted that documents are for the month of May and November-2024 and judgment was passed on 29.11.2023. The documents produced by the appellants are not necessary to decide the case in hand. Therefore, prays for dismissal of application with cost.

4. Heard the arguments.
5. The points arise for my consideration are:
 1. Whether the appellants have made out sufficient grounds to produce the documents?
 2. What order?
6. My findings on the above points are:
POINT No.1 : In the Affirmative
POINT No.2 : As per the final order
for the following

REASONS

7. **POINT No.1**: The appellants have filed this appeal against the judgment and decree passed in O.S.No.135/2011 dated 29.11.2023. There was delay in filing appeal and case was posted for enquiry on I.A.No.1 for condoning the delay caused in filing appeal. It is contended that appellant No.1 was suffering ill-health and another appellant was busy in taking care. Further it is contended that they are busy in their agricultural work and suffering from financial crisis. In support of their contention produced prescription form, discharge summary, OPD card and prescriptions. The document produced by the

petitioner prima facie shows that appellant No.3 was suffering from ill-health and undergone surgery.

8. If the application is allowed no harm or loss would be caused to the other side. On the other hand, appellants will be deprived to put forth their case. Therefore, court is of the opinion that appellants are permitted to produce the documents and get marked the same. Hence, I have answered point No.1 in the affirmative.

9. **POINT No.2:** As discussed above, court proceed to pass the following:

ORDER

The application filed by the appellants U/ o 41 Rule 27 CPC is hereby allowed.

Appellants are permitted to produce the documents.

For further chief of PW.1

Call on: 27.06.2025

(Dictated to stenographer directly on computer, typed by him, then corrected, printed and pronounced by me in the open court on this **23rd day of June 2025**)

(R.L.HONOLE)
SR. CIVIL JUDGE AND JMFC,
KALAGHATAGI