

1. The defendant has filed I.A. No. 4 under Order VIII Rule 1A read with Section 151 of the Code of Civil Procedure, seeking permission to produce additional documents.

2. The defendant contends that the present suit is one for specific performance of contract and is presently posted for defendant's evidence. It is submitted that the documents sought to be produced could not be filed along with the written statement due to oversight. It is further contended that the said documents are necessary for the proper and effective adjudication of the issues involved in the suit. Hence, the defendant has prayed for allowing the application.

3. On the other hand, the plaintiff has orally opposed I.A. No. 4 and sought dismissal of the application.

4. Heard the learned counsel for both sides. Perused the application, the objections, and the documents placed on record.

5. The present suit is one for specific performance of contract and is presently at the stage of defendant's evidence.

6. Insofar as I.A. No. 4 is concerned, the defendant seeks permission to produce additional documents. The defendant has explained that the documents could not be produced earlier due to oversight. The explanation offered appears to be satisfactory. The documents sought to be produced prima facie appear to be relevant for the adjudication of the dispute involved in the suit.

7. It is well settled that mere reception of documents on record does not amount to proof of their contents. The documents can be received subject to proof, relevancy, and admissibility in accordance with law.

8. Further, no serious prejudice would be caused to the plaintiff if the application is allowed, as the plaintiff will have full opportunity to cross-examine the defendant's witness and to dispute the genuineness, relevancy and admissibility of the documents during the course of trial.

9. Accordingly, this Court is of the opinion that sufficient grounds have been made out to allow the application.

Hence, the following:

ORDER

I.A. No. 4 filed by the defendant under Order VIII Rule 1A read with Section 151 of the Code of Civil Procedure is hereby allowed, subject to payment of costs of Rs.300/-.

The defendant is permitted to produce the additional documents, subject to proof, relevancy, and admissibility in accordance with law.

For defendant's evidence.