

**ORDER ON IA No.27 FILED BY THE**  
**DEFENDANT NO.12 U/O 8 RULE**  
**1(3a) OF CPC AND U/S 151 OF CPC.**

The defendant No.12 has filed this application praying to condone the delay for producing annexed list of documents as stated in the grounds urged in the affidavit averments.

This application is opposed by plaintiff on grounds stated in the objections mainly some of documents are not at all relevant to consider his contention taken in written statement of defendant No.12. Hence, pray for dismissal of application.

Perused the records and entire case paper, it is settled principle of law of pleadings that the person who asserts should prove his averments or contention during trial. He should lying foundation at the first instance then he has been

prove before by producing cogent documents. Now defendant No.12 produce some of documents, which could not have been filed earlier to that time whether said document are relevant or not relevant will be consider during trial. Now it is proper to allow the said application subject to proof and relevance of the documents. Hence, I proceed to pass the following:-

**ORDER**

The application filed by the defendant No.12 dated 9/04/18 U/O 8 Rule 1(3a) of CPC and Section 151 of CPC is hereby allowed on cost of Rs.200/- payable to the plaintiff.

The documents have taken on record by condoning the delay.

R/y

Civil Judge & JMFC.,  
Holenarasipura.