

**ORDERS ON IA Nos.XXII FILED UNDER
ORDER VIII RULE 1(a) OF CODE OF
CIVIL PROCEDURE**

The applicant/defendant No.1 has filed I.A.No.XXII seeking permission to produce additional documents in proof of his case.

In the affidavit annexed to the application, it is stated that, since the Defendant No.1 could not secure the documents which he is intending to produce in time, he could not produce the same. Therefore, it is necessary that, he has to be permitted to produce those documents by condoning the delay in producing the same. If the application is not allowed, the defendant would be put to irreparable loss and injury. On these grounds it is prayed to allow the application.

On the other hand, the plaintiff has filed objections by stating that, this application has been filed only to waste the time of the Court. The Defendant No.1 had already produced documents at the time of argument on interlocutory application. Already sufficient opportunity given to Defendant No.1. However, he has brought this application only to waste the time of the

Court. On these grounds, the plaintiff prays to reject the application.

Heard both the counsel appearing for plaintiff and defendant No.1.

In this case, the defendant No.1 is specifically contending that, since he could not secure the documents which he intending to produce, the same cannot be produced either at the time of filing of written statement or at the time of his examination. Therefore, it is necessary that, he has to be permitted to produce the same. The plaintiff has raised many objections with regard to the documents proposed to be produced. However, this court is of the opinion that, this court being the trial court has to give fullest opportunity to both the parties to prove their case. If at all this application is rejected, it may leads to multiplicity of proceedings and the disposal of the case may also be delayed. It is also to be noted here that, the objections raised by the plaintiff could be considered at the time of marking the documents. As such for the proper and effective adjudication of the matter and in order to avoid multiplicity of proceedings, this court is of the opinion that, the I.A.Nos.XXII has to be allowed and the Defendant No.1 has to be permitted to

produce additional documents subject to its proof, relevancy and admissibility. Accordingly, application/IA No.XXII filed under Order 8 Rule 1(a) of CPC are hereby allowed.

The applicant/defendant No.1 is permitted to produce additional documents as sought for subject to the proof, relevancy and admissibility of such document.

Civil Judge & JMFC
Holenarasipura.