

IN THE COURT OF CIVIL JUDGE AND JMFC AT
HOLENARASIPURA

Present:- Sri. Chandrashekhara.P.Diddi, B.A., LL.B,
Civil Judge and J.M.F.C,
Holenarasipura.

Dated this the 14th day of December, 2016

O.S.No.213/2014

Between

Kalaiah : Plaintiff

(By Sri.J.U.R.,Adv.,)

V/s

Swami and others : Defendants

(D1 to 3 By Sri.H.S.A.,Adv.,)

ORDERS ON IA-IV

Kalaiah : Applicant/Plaintiff

V/s

Swami and others : Defendants

ORDERS ON IA-IV

The plaintiff has filed IA.No.IV under order 7 Rule 14(3) of
C.P.C prays for condonation of delay in producing the documents.

2. In the accompanying affidavit of IA the plaintiff submitted
that due to non availability of documents he has not produce the
documents at the earliest stage. Now he has got the documents and

intended to produce the same. The documents are very necessary for proving the case of the plaintiff. If the application is allowed no harm or loss will be caused to the defendants. On the other hand if the application is dismissed the plaintiff will be put to untold hardship. Hence prays for allowing the applications.

3. The defendant's counsel filed objection to the application. In the objection the defendant submitted that the application is not maintainable either in law or on facts of the case. The contents of the affidavit doesn't disclose which document the plaintiff intended to produce before the court. The plaintiff submitted that he has intended to produce the genealogical tree. The said genealogical tree is for the year 1995. The plaintiff after lapse of so many years, now he is intended to produce the documents. The said document is not genuine document. Hence prays for dismissal of the application.

4. Heard the argument of both the counsels.

5. The point that arises for my consideration is as follows.

1. Whether the application filed by the plaintiff is deserves to be allowed and what order?

6. I answer the above point is as follows.

Point No.1:- In the affirmative.

as per the final orders for the following reasons.

REASONS

7. **Point No.1:-** I have gone through the application averments.

In the application the plaintiff submitted that due to non availability of documents he has not produce the documents at the earliest stage. Now he is intended to produce the genealogical tree. The said document is very necessary for proving the case of the plaintiff. On perusal of the genealogical tree it reveals that it is document, dated 22/08/1995 issued by village accountant of Doddabyagathavalli. The defendants contended that the said document is forged document. Whether the document is forged or not is to be ascertained at the time of cross examination. If the application is allowed and permitted the plaintiff to produce the document no harm or loss will be caused to the defendants, as the defendants have got an opportunity to cross examine the plaintiff on the basis of document. Hence in the interest of justice and disposal of case on merits, the application filed by the plaintiff is deserves to be allowed. Accordingly I answer the above point in the affirmative. For the above stated reasons I proceed to pass the following order.

::O R D E R::

IA.No.IV filed by the plaintiff under order 7 Rule 14(3) of C.P.C is hereby allowed.

**The document produced by the
plaintiff is taken on record.**

No order as to cost.

(Dictated to stenographer and transcribed by her revised and
corrected by me then pronounced in the open court dated this 14th day
of December, 2016)

**(Chandrashekhara.P.Diddi)
Civil Judge and J.M.F.C,
Holenarasipura.**