

ORDERS ON IA NO.II

This application is filed by the plaintiff U/Order 7 Rule 14(3) R/W Sec.151 of CPC praying to receive the documents annexed to the list after condoning the delay.

2. In the affidavit filed in support of the above application, the plaintiff has stated that, he has filed the said suit for the relief of partition and separate possession and for permanent injunction against the defendants. Now the matter is set down for his chief examination. Recently he has traced out and obtained some documents from the Revenue Department. The said documents are very much essential, necessary and important to establish his case. If he is permitted to produce the same, it may not cause any loss or harm to other side. On the other hand, if he is not permitted to produce the said documents, he will be sustained loss and injury. Hence, prays to receive the same by condoning the delay.

3. The defendants have submitted objection to the above said application contending that, the application is false, frivolous and not maintainable under law. The documents which are sought to be produce are not relevant to this case. This suit is filed only to grab the rights of the defendants and by hiding the earlier order passed by this court. In order to give trouble and cause delay, the plaintiff has filed this false application and he

has not clearly mentioned the proper reasons in the application for which purpose he is intending to produce the said documents. Hence, prays to dismiss the application.

4. Heard both sides.

5. This suit is filed by the plaintiff for the relief of partition and separate possession. Now the plaintiff has come up with this application with a prayer to receive the documents mentioned in the application by condoning the delay contending that, he has been recently obtained some documents from the revenue department and also traced out some document and they are very relevant for proper adjudication of the matter. For which, the defendants have objected the same stating that, the documents which are sought to be produce are not relevant for this case. The admissibility and relevancy of the documents cannot be decided at this stage and the same has to be decided at the appropriate stage. Now the plaintiff has sought permission to produce the documents after condoning the delay in producing the same. I am of the view that, if the application is allowed, defendants will not put to hardship. On the other hand, the defendants have every opportunity to cross examine PW.1 on the said documents. Hence, the plaintiff has made out grounds to allow the application. Accordingly, I proceed to pass the following:

ORDER

I.A.No.II filed by the plaintiff
U/Order 7 Rule 14(3) R/W Sec. 151 of
CPC is hereby allowed on cost of Rs.
300/-.

The documents produced are received
by condoning the delay.

For further chief of PW.1.
Call on:

2Nd Addl. Sr. C.J. & JMFC,
Ranebennur.