



**IN THE COURT OF THE CIVIL JUDGE AND JUDICIAL
MAGISTRATE FIRST CLASS, SAVANUR.**

PRESENT : **Sri. Srinivasa.S.N,**
B.A., LL.M.,
Civil Judge and JMFC.,
Savanur.

ORIGINAL SUIT NO.118 / 2010
Dated this 19th day of June, 2024

PLAINTIFFS: DilerKhan and others

Vs

DEFENDANTS: Smt.Shahjad Begum and others

PARTIES IN IA No.XXXIX

APPLICANT : MushtaqKhan S/o FirozKhan Biradar
(Original
defendant No.2)

Vs

OPPONENTS: DilerKhan and others
(Original
Plaintiffs)

i	Provision under which the application is filed	U/O 8 Rule 1(3) R/W 151 of CPC
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ii	Relief sought for	Seeking permission to produce the documents with list
iii	The date on which the application is filed	01.06.2024
iv	The date on which the objections are filed by different opponents	05.06.2024
v	The date on which the orders were passed on the said application	19.06.2024

ORDER ON I.A. NO.XXXIX

The defendant No.1 and 2 have filed this application under order 8 Rule 1(3) r/w Section 151 of Civil Procedure Code for seeking permission to produce the documents with list.

2. In the accompanying affidavit to the IA No.39, the defendant No.2 has stated that the documents produced along with this application are very important and necessary to adjudicate the case effectively and to answer the questions involved in the suit. He further stated that the documents which are produced now are the certified copies of orders passed by the Tahsildhar and revenue documents. He also stated that these property documents are relevant



extracts of the properties mentioned in the plaint and these documents vital and directly connected to the issued framed in the suit. The said documents are public records and they are necessary to prove his case. Therefore, he sought for permission to produce same. Hence, he prayed to allow the application.

3. The defendants have filed objections to IA No.39, wherein contended that the application is not maintainable either by law or facts. Therefore, it is not maintainable in the eye of law. They contended that those documents were very well available to the defendants at the time of filing of written statement but they have filed these documents after the lapse of 12-13 years. Hence, he prayed to reject the application with exemplary cost.

4. Heard both side and perused the materials on record.

5. The following points arise for my determination.

POINTS

1. Whether the application made out grounds to allow?
2. What order?



6. My answers to the above points are as here under:

Point No.1: In the Affirmative.

Point No.2: As per final order for the following;

: REASONS :

7. **POINT NO.1:-** The plaintiff filed this suit for declaration to declare that they are the legal heirs of deceased Nawazkhathu W/o Dilherkhan Biradar Nawab and for other reliefs. The present stage of the suit is for the further evidence of defendants side, now they have filed this application for producing the documents in respect of suit schedule properties. Those documents are public documents. He has produced these documents in respect of property mentioned in the suit. Those documents are certified copies and digital copies. The plaintiffs contended that these documents are not produced at the time of filing of written statement, hence, they prayed to not allow the application. If plaintiffs have any objections they can raise at the time of marking of documents. Therefore, mere producing of the documents it cannot be infer that those documents are proved, the burden to prove the relevancy, admissibility and proof of the documents lies on the defendants. Therefore, it can be permitted the defendants to



produce the documents. Hence, this Court has answered the **point No.1 in the Affirmative.**

8. Point No.2: In view of the above discussion this court proceed to pass the following,

ORDER

The I.A. No.XXXIX filed by defendant U/o 8 Rule 1(3) e/w Section 151 of CPC is hereby allowed subject to the admissibility, relevancy and proof of documents, with cost of Rs.2,000/-.

(Dictated to the stenographer directly on computer, corrected, signed and then pronounced by me in the open court on this the 19th day of June, 2024)

(Srinivasa.S.N)
CJ & JMFC., Savanur.