

**IN THE COURT OF CIVIL JUDGE AND JMFC,. JEWARGI.**

**Present:- Sri.D.Ramesh, B.AL., LL.,B.  
Civil Judge and JMFC, Jewargi.**

**Dated : This the 15<sup>th</sup> day of June, 2020**

**O.S.No.115/2014**

Ifteqar Hussain and Another : **PLAINTIFFS**  
**(By Sri.K.N.T/G.B., Adv.,)**

And

Sadiq Hussain and Others : **DEFENDANTS**  
**(D1, 2, 4, 6 and 7 By Sri.B.B.Adv)**  
**(D3 Exparte)**  
**(D5 & 10 By Sri.J.V.H.Adv)**  
**(D8 By Sri.G.B.Adv)**  
**(D9 dead)**

**I.A No.12**

Sadiq Hussain and Others : **Applicants/Defendants**

V/s.

Ifteqar Hussain and Another : **Opponents/plaintiffs**

**ORDERS ON I.A. No.12**

The defendants No.1, 2, 4, 6 and 7 filed IA U/o 8 Rule 1(3) of C.P.C. to seeking permission to produce the documents.

2. The defendant No.1 sworn to an affidavit stating that, he has collected all the documents and now he is filing. He has not filed documents with written statement which is

not intentional one or deliberate. Hence, he prayed to allow the application.

**3.** On the other hand the plaintiffs have opposed the application by filing the objection to the application stating that, the contents of the affidavit filed in support of production of documents by the defendant No.1 is not just and proper. The suit is of the year 2014 and the defendant No.1 has already filed his written statement. Now when the plaintiffs evidence is closed, question of collecting the documents by defendants does not arise, there are no any grounds as to why the inordinate delay is caused in production of documents. The application is filed for production of documents as a matter of right without there being any such and proper grounds for its late production. Hence, prayed to dismiss the application with cost.

**4.** Heard the arguments on I.A.

**5.** The following points arises for my consideration:-

**Point No. 1:- Whether defendants No.1, 2 , 4, 6 and 7 have made out grounds to allow the application?**

**Point No.2:- What order?**

**6.** I answer the above points as follows:-

**Point No.1 :- In the Affirmative.**

**Point No.2 :- As per the final order, for the following,**

**REASONS**

**7. Point No.1:-** The defendants No.1, 2, 4, 6 and 7 have filed the present application with documents contending that, they have not filed the documents with written statement, now they have collected the said documents and producing the same.

**8.** The plaintiffs objected the application contending that no reason assigned by the defendants. They have filed the present application as a matter of right without narrating the reasons for delay.

**9.** Upon having heard so, the documents now produced by the defendants are sale deeds, revenue documents Etc. This defendant has filed written statement on 12-08-2014 itself. But the plaintiff side evidence is closed on 16-01-2020. Thereafter posted for defendants evidence. Then the defendant No.1 has examined as DW1 by way of affidavit. When posted for further-chief-examination the present application has been filed with documents contending that now he has collected the documents. The non producing of the documents with written statement is not intentional one or deliberate. Upcourse except this, not stated anything why he has not produced documents at the time of written statement. However to provide sufficient opportunity to the parties to prove their case and to meet ends of justice the defendants shall be permitted to file

documents because equal opportunity to be give to both side. Therefore, the point No.1 answered in the affirmative.

**10. Point No.2** :- For the above reasons, I proceed to the pass the following :-

**ORDER**

**The I.A. No.12 filed by the defendants No.1, 2, 4, 6 and 7 under Order 8 Rule 1(3) of C.P.C. is hereby allowed on cost of Rs.200/- and the documents taken on record subject to proof.**

(Dictated to Stenographer directly on Computer, corrected and then pronounced by me in Open-Court this the 15<sup>th</sup> day of June, 2020.)

**(D.RAMESH)  
Civil Judge & JMFC,  
Jewargi.**