



2. In the accompanying affidavit of defendant, he has stated that, he has obtained the documents from connected



case and there is delay in production of documents which is due to bonafide reasons and for sufficient cause. He has stated that, if said documents are not taken on record, he will be put to loss and hardship. Therefore, he prayed to allow the application.

3. Plaintiff has filed objections to the application and contended that, the documents now relied by the defendant have no occasion to look into by the plaintiffs and for the first time, defendant has come up with these false and created documents and they have sanctity in the eyes of law. When this Court has granted an opportunity to the defendant to produce list of documents at earlier stage of proceeding, he has failed to produce the said documents and now he has pleaded untruth before this Court and reasons assigned in the application are far away from truth and not considerable. The application filed by the defendant and documents relied by him have not connectivity and it is against law. The documents relied by the defendant are only with oblique motive to trouble the plaintiffs and to overcome and lacuna and latches on his part and to deprive right of plaintiffs and to harass them. Therefore, it is prayed to dismiss the application.

4. Heard the arguments of Learned Counsel for Defendant



and Learned Counsel for Plaintiffs on the application and perused the materials on record.

5. Points arise for my consideration are:

POINTS

1. Whether defendant has made out proper and sufficient grounds to permit him to produce list of documents?

2. What order?

6. My findings on the above points are as under:

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

Point No.3: As per **Final ORDER** for the following:

REASONS

7. **POINT NO.1**: The defendant has filed this application seeking permission to produce list of documents on the ground that, he has obtained said documents from another case and due to bonafide and sufficient reasons, he could not produce the said documents before this Court. This application has been strongly opposed by the defendant on the ground that, this Court has given sufficient opportunity to the defendant to produce the documents at initial stage and now the defendant has created false documents which have no sanctity in the eyes of law and they are being



produced to trouble and harass the plaintiffs and to overcome laches and lacuna.

8. On appreciating the materials on record, the matter has been set down for defendant side evidence and he has filed his affidavit as his chief examination and he has been examined in chief in part as DW-1 and produced ExD-1 to 22 and now he wanted to produce additional documents in support of his defence. If he is permitted to produce documents and mark them in his evidence, no kind of loss or hardship will be caused to the plaintiffs as they are having right of cross examination and they may disprove the contents of said documents and they may prove that, said documents are forged and concocted and not reliable. When the plaintiffs are having right of cross examination on the authenticity and correctness of said documents, they may disprove the same in the cross examination by which no kind of loss or hardship will be caused to them and on the contrary, defendant who wanted to produce the said documents and prove his defence will be put to loss and hardship and he will be unable to prove his contention. So I feel it just and proper to permit the defendant to produce list of documents. So I answer **Point No.1** in the **Affirmative**

9. **POINT NO.2:** For the reasons discussed above, I proceed to pass the following:



ORDER

I.A.No.8 under Order 8 Rule 1 A R/W.S.151
of CPC is hereby allowed.

Defendant is permitted to produce list of
documents by condoning delay.

(Dictated to the stenographer through online, corrected and then
pronounced by me in the open Court on this **9th day of April-2025**)

(Ganapati Gurusidda Badami)
III-Addl. District & Session Judge,
Kolar (Sitting at KGF)