

KAKL200001622008



**IN THE COURT OF THE ADDL. CIVIL JUDGE, & JMFC.,
AT BANGARPET**

DATED THIS THE 10th DAY OF MARCH 2023

:PRESENT:

**SRI. AJIT DEVARAMANI., B,SC. LLB.,
Addl. Civil Judge and JMFC, Bangarpet.**

O.S. 194/2008

**PLAINTIFF/S : H.S. Aswathanarayana Sastry & Others.
(Reptd.by Sri. K.J.R.-Advocate)**

V/s

**DEFENDANT/S : H.S. Subbaraya Sastry & Others
(Reptd. by Sri. NS/LNR- Advocates).**

**Applicant/s:- H.S. Subbaraya Sastry & Others
/Vs/**

Opponent/s:- H.S. Aswathanarayana Sastry & Others.

ORDERS ON A.I. NO.18

The defendants No.2 to 7 have filed this
interim application under Order 8 Rule 1(A)

read with Section 151 of C.P.C. seeking permission to produce the documents.

(This I.A. is filed at the time of defendants evidence).

2) In the affidavit annexed to the application the defendants have contended that, they were not able to produce the documents at the time of evidence. Plaintiffs side evidence was closed and case was posted for defendants side evidence. Therefore, at this stage they are intending to produce the documents. Hence, prays for permission to produce the documents. If the application is not allowed, the defendants will be put to irreparable loss and injury. On the other hand, no harm will be caused to the plaintiffs.

3) On the other hand, the learned counsel for the plaintiffs have filed objection contending that, the defendants ought to have filed the documents along with the written statement. The defendants have not made out a grounds

to allow the application. Hence prays to dismiss the application.

4) On the basis of the above contentions the following points that would arise for my consideration are as under:

1. Whether the permission has to be given to the defendants to produce the documents?

2. What order?

5) I have heard arguments and perused the materials available on record. Therefore, my findings to the above points are as follows:

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

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

REASONS

6) **Point No.1:-** The plaintiffs have filed this suit against the defendants injunction simplicitor.

The learned counsel for the defendants has argued that, documents intending to be

produced before court are public documents. The defendants were not able to produce the said documents at the time of filing of written statement. Now the case is posted for defendants side evidence. Hence, prays to allow the application.

7) On the other hand the learned counsel for plaintiffs have argued that, documents ought to have been filed along with written statement. At this stage application is not maintainable. Hence prays to reject the application.

8) Documents intending to be produced are letter of E.O., Taluk Panchayath, Bangarpet and endorsement of Chikka-akandahalli panchayath. The plaintiffs are having opportunity to cross examine the defendants. Therefore if the application is allowed, no hard will be caused to the plaintiff. On the other hand, if the application is not allowed it will be

harmful to the defendants. Hence, **I answered Point No.1 in the Affirmative.**

8) **Point No.2:-** In view of the above discussions and findings on Point No.1, I proceed to pass the following:

O R D E R

I.A.No.18 filed by the defendants No.2 to 7 under Order 8 Rule 1A r/w Sec.151 of C.P.C. is hereby allowed.

Documents taken on record.

(Dictated to the steno, transcribed on computer, typed by her corrected and then pronounced by me in open court on this 10th day of March 2023).

Sd/-

(AJIT DEVARAMANI)
Addl. CJ and JMFC, Bangarpet.

