

ORDERS ON IA No. 3

The present application has filed by the counsel for the defendant U/o 11 rule 16 and 12 and 8 of C.P.C praying to issue notice to the counsel for the plaintiff with direction to produce the original suit documents listed along with the suit for inspection.

2. Per contra the learned counsel for the plaintiff submits his reply by way of objection, stating that the defendant has not filed any affidavit to the said application for what purpose he required to inspect the suit documents and the plaintiff has produced the true copies of documents as per the list except some documents are Xerox. The documents produced by the plaintiff are relevant documents to prosecute the above case and defendant also can file written statement based on the documents produced by the plaintiff. Only with an intention to drag on the proceedings, the present application is filed. On these grounds and such other grounds he prayed reject the application.

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

4. The present suit is for the relief of permanent injunction. The counsel for the defendant has come up with this application with direction to the plaintiff counsel for produce the original suit documents to enable the defendant to file his written statement. The learned counsel for the plaintiff submits his reply stating that he has produced true copies of original documents along with the suit.

5. On perusal of the list of documents filed by the plaintiff along with the suit it clearly appears that the plaintiff has produced the true copy of Katha extract, Demand register extract, Assessment register extract and other xerox documents. The aforesaid true copies of the documents are the public documents which are maintained by public office. Hence it is difficult to produce the said original documents before this court. Moreover the learned counsel for the defendant submits that it is necessary to inspect the original suit documents to enable the defendant to file the written statement. But it is pertinent to note that the defendant has already filed his written statement on 25-10-2016. Hence the purpose of this application is served. Moreover this is a bare injunction suit and the order 11 rule 16 gives discretionary power to the court to allow the application. If the court feels that if it is not necessary, the court can reject the said application. The purpose of filing this application is already served, hence the present application would not be considered. In view of the same this court proceeds to pass the following :

ORDER

IA No. 3 filed by the defendant U/o U/o 11 rule 16 and 12 and 8 of C.P.C is hereby rejected.

No order as to costs.

(DEEPU B.C.)
Addl. C.J. and JMFC, Bangarpet.