

**IN THE COURT OF THE PRL. CIVIL JUDGE & ADDL
J.M.F.C., AT: K.G.F.**

Present

SMT. ROOPA M.D

B.A (L) L.L.B.

**PRL. CIVIL JUDGE & ADDL JMFC COURT,
K.G.F.**

O.S.No.103/2012

Dated on this the 31st day of January- 2020

Plaintiff/s:

Smt. R. Manjula,

W/o Sri.V.Madhusudhan Rao,

Aged about 42 years,

R/at # 6, 7th Cross Road,

Extension Subash Nagar,

Robertsonpet K.G.F.

Presently R/at # 1076, 11th Cross,

Swarna Nagar, Robertsonpet,

K.G.F.

Represented by GPA Holder,

Sri.V.Madhusudhan Rao,

S/o. Late V.Brahmaiah,

Aged about 44 years,

R/at # 1076, 11th Cross,

Swarna Nagar,

Robertsonpet, K.G.F.

(Sri. S.A.H. Adv.,)

V/s.

Defendant/s:

1. Sri. S.Rajesh,

S/o Sri.Sohanlal Bantia,

Aged about 40years,

2. Smt.R.Anitha,
W/o. Sri.S.Rajesh
Aged about 37 years,

3. Sri.G.Purushothaman,
S/o. Sri.Dhanapaul,
Aged about 46 years,

Defendant No.1 & 2 are
R/at Thulasinivas,
Aarihan Marg, Jain Colony,
B.M.Road, Robertsonpet,
K.G.F.

Defendant No.3 is R/at No.#23,
Palaghat Lane, Coromandel post,
K.G.F.

**(D-1 & 2 by Sri.K.V.P.Advocate
D3 by Sri.N.S Advocate)**

Parties to I.A.No.XV

Applicant/s: Sri.Purshothaman,
V/s.

Opponent/s: Smt. R.Manjula,

ORDER ON IA NO.XV FILED BY THE DEFENDANT NO.3

UNDER ORDER VIII RULE 1(3) & SEC.151 OF CPC

The present IA No.XV is filed by the defendant No.3 under Order 8 Rule 1(3) & Sec.151 of CPC to permit the defendant No.3 to produce of documents.

2. Allowing the said application is opposed by the plaintiff by filing objection.

3. Heard both sides.

4. The following point arises for my consideration:

POINTS

1. Whether the defendant No.3 has made out sufficient grounds to permit him to produce documents and mark the same?

5. I have answered the above point in the Affirmative for the following:

REASONS

6. **Point No.1:** In the accompanying affidavit, to IA No.XV, it is stated by the 3rd defendant that recently he has obtained documents which were mislaid and traced recently, the said document was very important and hence he producing the same to prove case on hand. If the application is allowed no hardship will caused to the plaintiff. Therefore, the present application to permit the defendant No.3 to produce documents.

7. Allowing the said application is opposed by the plaintiff by filing objections and contending that the defendants has fabricated the document, it is issued by the Registering Authority on 17.01.2020 and it pertains to the period 01.01.2019. The said document is not a genuine

document and does not help the party and the defendant. In order to harass the plaintiff, the defendant has produced the alleged document and hence it cannot be received in evidence. Therefore, the present application is liable to be dismissed.

8. The defendant No.3 intends to mark the valuation report given by the Sub-registrar and allowing said application is objected by the plaintiff contending that the document is fabricated and it does not help the party. At this stage, this court cannot conclude whether the document intended to be produced by the defendant is relevant or not and whether it is fabricated or not. Only a full-fledged trial can determine the said two aspects. As such, the objection of the plaintiff that the documents are not relevant and are fabricated cannot be considered at this stage. Moreover mere marking of documents does not dispense with the proof of the same. As such, I am of the opinion that the present application deserves to be allowed. Therefore, I answer Point No.1 in the Affirmative and proceed to pass the following:

ORDER

*IA No.XV filed by the defendant
No.3 under Order 8 Rule 1(3) of CPC is
hereby allowed.*

*For evidence of DW-2 and
objection to notice.*

*(Dictated directly on computer to the stenographer, typed by her, corrected, initiated and
then pronounced by me in the open court on this the 31st day of January 2020.)*

Sd/-

(Smt. Roopa M.D)

Prl. Civil Judge & Addl.J.M.F.C.
K.G.F.