

ORDER ON IA No.10

This application is filed by the plaintiff under Order 7 Rule 14 (a) of CPC seeking permission to produced the documents.

2. The plaintiff sworn to affidavit to the present application and stated that, the defendants in their written statement have taken up contention that the plaintiff No.2 is not the legally wedded wife of deceased Thimmegowda. They have also contended that the defendant No.1 is his legally wedded wife. Therefore, it is necessary to prove that the plaintiff No.2 is the legally wedded wife of Thimmegowda. The documents produced now were retained by the plaintiff No.2 to get pension and to submit before

relevant department. Therefore, she could not produced the documents earlier. Therefore, the present application is filed.

3. The defendants No.1, 2, 4 to 6, 7(a to d) have objected the present application by filing statement of objections and stated that the documents are not relevant and they are not material documents to prove the legitimacy of the alleged marriage between the plaintiff No.2 and deceased Thimmegowda. The alleged documents are concocted and created. Therefore, it is prayed to reject the present application.

4. Heard and perused.

5. The point that arises for my consideration is as follows ;

Whether the plaintiffs have made out sufficient grounds to allow them to produce documents?

6. My answer to the above point is in the **Affirmative** for the following ;

REASONS

7. It is stated by the plaintiffs that the documents intended to be produced are necessary to prove the marriage marriage of plaintiff No.2 with the deceased Thimmegowda. The defendants contend that the documents are created and concocted and they are not necessary to adjudicate the case. The same cannot be decided at this stage. After marking them

as exhibits, the defendants have got every opportunity to cross examine on the genuineness of the documents. Therefore, it is just and necessary to allow the application and permit the plaintiff to produced the documents. In the meantime, costs shall be imposed for delayed production. Accordingly, the above point is answered in the **“Affirmative”**. Hence, this court proceeds to pass the following:

ORDER

IA No.10 filed under Order 6
Rule 17 of CPC is hereby
allowed on costs of Rs.300/-.

The plaintiff is permitted to
produced the documents filed
along with this application.

**I-Addl. Senior Civil Judge & JMFC.,
Maddur.**