

OS 298/2017

ORDER ON IA No. VIII

i.	Provision under which the application is filed	U/o VII Rule 14-A of CPC
ii.	Relief sought for	Production of documents
iii.	The date on which the application is filed	02/09/2024
iv.	Number of the application	IA No.VIII
v.	The date on which the objection is filed by different opponents	28/10/2024
vi.	The date on which the order was passed on the said application	01/03/2025

Plaintiff has filed this application under Order VII Rule 14-A of CPC seeking permission to produce the documents by condoning delay.

2. In the affidavit accompanying the application, plaintiff states that he has filed this suit for the relief of partition and separate possession. At the time of filing of the suit, he had produced photostat copies of the documents and now seeks permission to produce the certified copies. Hence, it is necessary to permit her to produce the documents by condoning delay. Non production of these documents causes irreparable loss and injury, hence prayed to allow the application.

3. Defendant No.1 has filed objection stating that the application filed by the plaintiff for production of the documents is not maintainable and the plaintiff has not stated how these documents are related to the suit and necessary to produce at this stage. She was in possession of these documents at the time of filing of the suit and inspite of the same, did not produce them. Hence, this application cannot be allowed at this stage and prayed to reject the application.

4. Heard the learned counsel appearing for the plaintiff and the defendant No.1. Perused the IA No.VIII, affidavit, objection and the records.

5. Under the circumstances, following point arises for consideration;

“Whether the plaintiff has made out grounds to permit her to produce the documents by condoning the delay as prayed for?”

6. The point framed for consideration is answered in the ***'Affirmative'*** for the following;

REASONS

7. Plaintiff has filed this suit for the relief of partition and separate possession of her share in the suit schedule properties. Defendant No.1 has contested the suit by filing

the written statement. This Court has framed the issues for consideration and now the case is posted for evidence of the plaintiff. Plaintiff is examined as P.W-1 and when the case is posted for her further examination-in-chief, she has filed this application seeking permission to produce the documents by condoning delay. Along with IA, plaintiff has produced the documents such as record of rights and RTC's of the suit schedule properties.

8. On perusal of the record, it is found that at the time of filing of the suit, plaintiff had produced the copies of the family genealogy and RTC's of the suit schedule properties. Now, she has come up with this application seeking permission to produce the certified copies of the RTC's of the suit schedule properties.

9. In order to prove the case of the plaintiff, production of these documents is necessary. When the plaintiff wants to produce the certified copies of the RTC's of the suit schedule properties by condoning delay, no more explanation is required as to how these documents are necessary to prove the case. Hence, objection raised by the defendant No.1 is not tenable and accordingly the point framed for consideration is answered in the Affirmative and I proceed to pass the following;

ORDER

IA No.VIII filed by the plaintiff under Order VII Rule 14-A of CPC is hereby allowed.

Plaintiff is permitted to produce the documents as prayed for in IA No.VIII by condoning delay.

For further chief of P.W-1 finally by 19/03/2025.

(K.A.Nagesha)
Sr. Civil Judge & JMFC,
Kanakapura.