

Orders on IA.No.11

The defendant No.3 filed IA.No.11 U/o 11 Rule 14 of CPC and prays to direct the plaintiff to produce Income Tax returns of plaintiff filed for assessment years 2005-2006 to 2010-2011 stating that the plaintiff has initiated the original suit for specific relief of contract who is bound to produce the documents as stated in the application, the plaintiff by any will of manipulation cannot seek exemption from producing the documents sought in the application. The said documents are absolutely necessary for adjudication of the matter. Hence prays to allow the application.

On the other hand the plaintiff filed his objection and contended that the application is highly misconceived and is not maintainable either under law or on facts. The plaintiff has already led evidence and has been examined as PW.1 and also produced and marked document which are relevant to the suit. When the matter is posted for further cross-examination, the defendants come up with the present frivolous application to harass the plaintiff and to protract the

proceedings. The documents sought for is not pertaining to proceedings on hand and do not relate to any matter in question in the above suit, as such the application is not maintainable. Hence, prays to dismiss the application.

It is pertinent to note that no doubt, the plaintiff filed the present suit seeking specific enforcement of contract and he has also led his chief-examination by producing the documents which are relevant according to him. The defendant cannot force the plaintiff to produce the documents from the side of plaintiff which are according to plaintiff not relevant to prove his case. If at all the defendant wants to extract anything from the plaintiff he can cross-examine PW.1 and elicit the answers required to him with regard to filing of Income Tax returns and the court can infer the genuineness of plaintiff's case or the genuineness of defence made out by the defendant on merits. At this juncture it is not the duty of the court to direct the plaintiff to produce the documents as sought by the defendant. Hence, I proceed to pass the following,

ORDER

The IA.No.11 filed by the defendant
No.3 U/o 11 Rule 14 of CPC is dismissed
without costs.

For tendering PW.1 for further
cross-examination by 04.03.2022.

Sd/-
PRINCIPAL JUDGE,
Court of Small Causes,
C/c of Addl., Court of Small Causes,
MYSURU.