

**ORDERS ON IA NO. X AND XI
FILED BY GPA HOLDER OF
PLAINTIFF**

The IA No.X filed U/Sec. 151 of CPC to reopen the case for production of documents and IA No.XI filed U/O 7 Rule 14(3) of CPC by the applicant/GPA holder of plaintiff seeking to produce the documents.

2. In support of the applications the GPA holder of plaintiff sworn to the affidavits wherein it is stated that the suit is filed for declaration and for permanent injunction in respect of the suit schedule property. After service of summons the defendants appeared through their counsel and filed their written statement. The case was posted for plaintiff side evidence after framing of issues. During trial plaintiff got filed her affidavit in lie of her examination in chief and got examined as PW-1 and got marked the documents at Ex.P1 to Ex.P11. Later due to ill health plaintiff has executed the GPA in his favour to lookafter this case. Accordingly, he being the plaintiff's GPA has got examined as PW2.

But on last week plaintiff traced out some important documents in respect of the suit schedule property in her house. They are very important documents to prove the case. It is not possible to prove the case without those documents. It submits that if the application is not allowed the plaintiff will be put to great hardship and inconvenience. Accordingly, the GPA holder of plaintiff prayed to re-open the stage and condone the delay caused in production of documents. Hence, plaintiff prayed to allow the applications.

3. The defendant No.1 to 7 opposed the application in their objection. It is stated that the applications are neither maintainable in the eye of law nor on a basis of the facts. The plaintiff filed false affidavit and she has not come to the court with clean hands. The applications filed only with a malafide intention to harass the defendants. The plaintiff concocted the documents and produce before the court. On all these grounds the defendant No.1 to 7 prayed to reject the applications.

4. I have heard both parties and perused the records.

5. Admittedly suit is one for declaration and permanent injunction and now the case is posted for cross examination of plaintiff. At this stage it is contended by plaintiff that the document intend to produce are a vital documents and necessary to prove her case. Under such circumstances heavy burden is placed upon

the plaintiff to prove her case by producing cogent evidence. If the delay is condoned and document is received it will not cause any harm or injury to the defendants. Therefore, in order to decide the controversy between the parties effectively on merits IAs needs to be allowed to balance the equity and justice. On the above said grounds, I proceed to pass the following;

ORDER

IA No.X filed U/Sec. 151 of CPC and IA No.XI filed U/O VII Rule 14(3) by the plaintiff are hereby allowed on cost of Rs.200/- each.

Stage is re-opened for further chief examination of PW-1 by 21.3.2025.

Prl. Senior Civil Judge & JMFC
Hunsur