

OS 14/2019
11/03/2025

ORDER ON APPLICATION U/O 37 RULE 2(1)
OF CODE OF CIVIL PROCEDURE.

The defendant No.3 has filed application Under Order 37 Rule 2(1) of Code of Civil Procedure and prays for direct the plaintiff to furnish list of documents pertaining to the plaint averments.

In the affidavit he has stated that, the plaintiff filed suit for relief of declaration and permanent injunction against the defendants.

The plaintiffs have amend the plaint and furnish the amendment plaint. Now the case is posted for additional return statement. In order file additional return statement in the documents are very necessary. Hence, the defendant file application and prays for issue direction to plaintiff to furnish the documents in relating to subsequent pleadings.

On the other hand, the plaintiff files objection to the application filed by the defendant No.3.

Heard arguments from the both side.

Perused record, it could seen that, the plaintiffs file present suit against the defendants for relief of declaration and permanent injunction with respect to the suit schedule properties.

Further, the records reveals that, the defendant No.1, 2, 3, 4, 7, 8, 12 13 and 14 filed written statement.

Further record shows that, during pendency of the suit defendant No.5 was reported to died and his LRs brought on record.

Further record shows that, the suit was filed in the year 2019. The defendant No.3 was filed written statement by denying the case of the plaintiff.

Further, record shows that, the plaintiff filed application Under Order 6 rule 17 of CPC in order to amend the plaint. The said application has been allowed this court.

The defendants have not challenged the said order. Now the defendant No.3 file application under order 37 rule 2 of CPC and prays for issue direction to plaintiff to produce documents. Admittedly, the order 37 rule is only applicable to the institution of summary suits. The present suit is not summary suit. Therefore, Under Order 37 Rule 2 of CPC is not sustainable.

The plaintiff not made out any new ground in the amendment. Further the plaintiff restricted there claim and there is no added new facts in the amendment. If the plaintiff has pleaded subsequent events then he has to be furnish documents in support his case.

Herein, there is no subsequent pleadings added by the plaintiff.

Hence the question of issuance of direction to plaintiff to furnish documents does not arise.

Hence, the application filed by the defendant no merits.

Accordingly this court proceed to pass following order.

ORDER

The application filed by the defendant No.3 Under Order 37 Rule 2 of CPC is rejected.

For additional written statement last chance, call on 18/03/2025.

Sr.Civil Judge & JMFC,
K.R.Nagar