

22/07/2025.

Plaintiff by: Shri.M.C.S Adv.

Defendants No.1 to 3 by:Shri.G.L.D Adv.

ORDERS ON IA.NO.13 FILED BY THE DEFENDANT
NO.2 UNDER ORDER 13 RULE 10 OF CPC.

1. Plaintiff has filed the present suit for the recovery of money as against the defendants.

2. When the case was posted for further chief-examination of Dw.1, the defendant No.2 has filed the instant application under order 13 Rule 10 of CPC praying to call for the entire records of O.S.No.23/2017 from the file of Hon'ble Prl.Civil Judge and JMFC Court, K.R.Nagar.

3. In the affidavit annexed to the application the defendant No.2 has stated that the very same plaintiff had also filed suit for recovery of money as against the defendants before the Hon'ble Prl.Civil Judge and JMFC Court, K.R.Nagar in O.S.No.23/2017. It is averred that the defendants have already produced their documents in O.S.No.23/2017 and the same are marked in evidence. It is averred that the said suit in O.S.No.23/2017 was disposed on 14/11/2024. It is averred that in order to mark the documents in evidence in this case, it is just and necessary to call for the entire records of O.S.No.23/2017 from the file of Hon'ble Prl.Civil Judge

and JMFC Court, K.R.Nagar. If the application is allowed no hardship will be caused to the plaintiffs. Hence with these submissions the defendant No.2 has prayed to allow the application.

4. The application was objected by the plaintiffs by filing the objection by contending that the application filed by the defendant No.2 is not maintainable under the law. The document which the defendant No.2 is praying to call for is not relevant to decide the present case. It is contended that the defendant can obtain the certified copies of documents marked by him in O.S.No.23/2017 and the certified copies of the same can be marked in evidence in this case. It is contended that the present application is filed by the defendant No.2 with an intention to further drag on the above case. Hence, on this ground alone the application deserves to be dismissed. With these objections the plaintiffs have sought for dismissal of the application.

5. Heard arguments. Perused the records. After going through the application along with affidavit, objection statement and the relevant documents placed on record, the following points arises for my consideration:

Point No.1: Whether the defendant No.2 has made out valid grounds to allow the application?

Point No.2: What order?

6. My answers to the above points are as hereunder:

- Point No.1** : In the Negative.
Point No.2 : As per the final orders
for the following:

REASONS

7. POINT NO.1: Plaintiff has filed the present suit for the recovery of money as against the defendants. When the case was at the stage of further chief-examination of Dw.1, the defendant No.2 has filed the instant application praying to call for entire records of O.S.No.23/2017 from the file of Hon'ble Prl. Civil Judge Court & JMFC, K.R.Nagar.

8. The averments made in the affidavit discloses that the documents so produced by the present defendants in O.S.No.23/2017 is already marked in evidence before the Hon'ble Prl. Civil Judge Court & JMFC, K.R.Nagar. Since the documents of the defendants is already marked in evidence in O.S.No.23/2017, the defendants can obtain its certified copies and produce the same before this court. When the defendants can obtain the certified copies of the documents which are already marked in evidence in O.S.No.23/2017, no purpose will be served by calling for entire records of O.S.No.23/2017. Rather, calling for entire records of O.S.No.23/2017 from the file of Hon'ble Prl.Civil Judge Court, K.R.Nagar will cause inordinate delay in the disposal of the above case.

O.S.22/2017

Considering the facts and circumstances of the case, this court is of the opinion that the defendant No.2 has not made out any valid reasons to allow the application. Accordingly, in view of the above discussion, **I answer point No.1 in the Negative.**

9. POINT NO.2: In view of my foregoing findings and discussions on Point No.1, I proceed to pass the following:

ORDER

IA No.13 filed by the defendant No.2 U/o 13 Rule 10 of CPC is hereby dismissed on costs of Rs.300/-.

For further chief of Dw.1 finally as last chance.

Call on: 28/07/2025.

**ADDL. C.J & JMFC,
K.R.NAGAR**