

ORDER ON I.A.No.II

The I.A.No.II is filed by Dhr under order VII Rule 14 r/w Section 151 of CPC with a prayer to permit him to file the documents.

2. In support of the application the Dhr sworn to the affidavit contending that the Dhr No.2 to 4 are the necessary parties to the present petition and thereby prayed to allow the application.

3. On the other hand the JDR has not filed any objections.

4. Heard from both side and perused the materials available on record.

5. The points that arise for my consideration are:

- 1. Whether the DHR has made out grounds to allow the instant application?*
- 2. What order?*

6. My findings to the above points are hereunder;

Point No.1: ***“Affirmative”***

Point No.2: As per final order for the following:

REASONS

7. Point No.1: It is pertinent to note that the present application is filed by the Dhr to permit him to file document by condoning the delay. The Dhr has filed suit in OS.No.113/1996 and the same come to be decreed on 02.01.1998. That the Dhr has filed this present petition to effect partition as per decree. It is pertinent to mention that the counsel for the dhr has produced RTC bearing Sy.No.79/2019-20, certified copy of MR.No.15/1991-92 and handwritten RTC of the year 1986-87 to 1989-90, which he intends to mark the same in the evidence and the documents which he is intending to produce are relevant for the case and the Dhr No.2 to 4 are the necessary parties to this petition and Katha of the suit property was transferred by the Jdr, it is just and necessary to produce documents. Hence an opportunity is required to be given for both the parties to put forth their case so as to adjudicate the case effectively. No doubt there is delay in filing the application in causing production of the documents, but the defendants are at liberty to produce documents. Perhaps the documents will be considered in the evidence subject to the relevancy, admissibility and proof. Therefore, taking in to consideration of the reasons discussed above I deem fit to allow the instant applications

by imposing cost. In view of the reasons discussed above I answer point No.1 in the “**Affirmative**”

8. Point No.2 In view of the above discussion, I proceed to pass the following:

ORDER

The I.A.No.XII filed under Order VII Rule 14 of CPC by the Dhr is hereby allowed on costs of Rs.300/-.

(Shwetha.J)

Addl. Civil Judge and JMFC
Periyapatna