

**ORDERS ON IA No.VII**

The 2<sup>nd</sup> defendant has filed IA No.VII under order 11 Rule 14 of the C.P.C seeking direction to the plaintiff to produce title of the suit schedule property and registered copy of the plaintiff association.

2. Defendant No.2 in support of the I.A has filed an affidavit.

3. The counsel for the plaintiff has filed a memo stating that, earlier the 2<sup>nd</sup> defendant had filed application under order 12 Rule 8 of the C.P.C on 04.02.2021 for which he has filed objections on 09.02.2021 and sought to consider said objections to the present application.

4. Heard both the parties and perused materials on record.

5. The following point arises for consideration of this court.

***1. Whether the 2<sup>nd</sup> defendant has made out sufficient grounds to allow the IA No.VII filed under order 11 Rule 14 of the C.P.C ? if so, what order ?***

6. This court answers the above point in the **Negative** for the following:

## **REASONS**

7. The plaintiff has filed this suit for the relief of Permanent Injunction in respect of the suit property. The burden is on the plaintiff to prove the possession and interference by the defendants over the suit property.

8. The 2<sup>nd</sup> defendant in the affidavit has stated that, the plaintiff has not produced relevant documents in respect of the suit property. Therefore, the documents are sought in the application are necessary for the case.

9. On the other hand, the plaintiff has stated in the objections that, he has already produced and marked relevant documents to prove his case.

10. The plaintiff has produced Ex.P-1 to P-42 on its side. The plaintiff is the master of his suit. It is left to the wisdom of the plaintiff to prosecute the case in his own way. The 2<sup>nd</sup> defendant in the application stated that, the documents sought are necessary. If those documents are necessary the 2<sup>nd</sup> defendant can very well cross examine the PW-1 in that regard. The 2<sup>nd</sup> defendant has not shown the documents sought by him are in the possession of the plaintiff. The 2<sup>nd</sup> defendant has not stated how the documents sought are relevant to this case. The burden is on the plaintiff to prove

the possession and interference caused by the defendants. There is no burden on the 2<sup>nd</sup> defendant to prove the case. In such circumstances the application filed by the 2<sup>nd</sup> defendant is devoid of merits. Accordingly, this court answers the above point in the Negative. In the result this court proceeds to pass the following:

**ORDER**

The IA No.VII filed by the 2<sup>nd</sup> defendant under order 11 Rule 14 of the C.P.C is hereby **dismissed.**

No order as to costs.

**Civil Judge & JMFC  
T.Narasipura**