

**IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC.,AT
CHANNAPATNA.**

PRESENT: Smt. Usharani B.N., B.A, LL.B.,L.L.M.,
Addl. Civil Judge & JMFC,
Channapatna.

Dated this 30th day of June - 2023

O.S. No.250/2015

PLAINTIFF : Sri. Muddalingegowda

-V/s-

DEFENDANTS : Smt. Shivalingamma .M

I.A.No.VI

APPLICANT/S
DEFENDANTS : Sri. Muddalingegowda

-V/s-

OPPONENT/
PLAINTIFF : Smt. Shivalingamma.M

ORDERS ON I.A NO.VI

The learned counsel for the defendant have filed an I.A. No.VI u/O.8 Rule 1(a)(3) of CPC Seeking condone the delay in filing the documents.

2. The defendant has filed affidavit in support of I.A.No.VI and stated that, already has filed the photocopy of the gift deed dated 27.01.2000. Now they are filing the original copy of the same. The documents is required for proving their defense. Hence prays to allow this IA and permit him to mark the documents. **Hence allow the I.A.No.VI.**

3. The leaned counsel for the plaintiff has filed an

objection to I.A. No.VI and contended that, the document produced by the defendant are not related to the parties of the present suit and the parties to the gift deed are not the parties of the suit. Hence prays to dismiss the application.

4. Now the following points arise for consideration of this court:-

POINTS

1. Whether the I.A No.VI is filed by the defendants are deserves to be allowed?

2. What order?

5. Heard both sides.

6. This court has perused the materials available on record. This court has answer the above said points as follows:-

Point No.1 : In the Affirmative.

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

REASONS

7. **POINT NO.1:-** The plaintiff has filed this suit against the defendant for the relief of partition and separate possession in respect of suit schedule property. The case is posted for defendant evidence. At this stage the defendant has filed the present application seeking permission to produce the documents mentioned in the list.

8. The production of documents not barred under the any law. The plaintiff opposed to this application and contended that, not related to this case. The said defense is consider at the time of appreciation of evidence. Moreover the counsel for the plaintiff has liberty to cross-examination of DW.1. The

defendants produced the documents at the time of their evidence. Hence the objection filed by the plaintiff is not tenable. Therefore, the application filed by the defendants is deserves to be allowed. **With these observations this court answer the point no.1 in the Affirmative.**

9. **Point No.2:-** In view of above discussion this court has proceeds to pass the following :-

O R D E R

**I.A.No.VI u/o 8 Rule 1(a) (3) of
CPC filed by the defendants is hereby
allowed.**

(Dictated to the Typist copyist and transcribed by her, Order corrected and signed by me, then pronounced by me in the Open Court on this the **30th day of June - 2023**).

(Usharani B.N.)
Addl.Civil Judge & JMFC.,
Channapatna.

Order pronounced in open court

(Vide Separate Order sheet)

ORDERS

I.A.No.VI u/o 8 Rule 1(c) of CPC filed
by the defendant is hereby allowed.

Further chief of DW.1 finally by
10.07.2023.

Addl.Civil Judge & JMFC.,
Channapatna.