

ORDERS ON I.A No.12 and 13 both
U/o 7 Rule 14(a) r/w Sec.151 of CPC

The plaintiff has filed both applications U/o 7 Rule 14(A) r/w Sec.151 of CPC to condone the delay to file the additional list of documents in the interest of justice and equity.

2. The application is annexed with the affidavit and Lr of plaintiff No.1(a) submitted that, his mother has filed the suit against the defendants for the relief of permanent injunction and the said case is posted for further chief of PW.1 and at the same time some documents were not produced as they were missing. Later, they have obtained the

documents from the competent authority and produced the same. Hence, the said documents are very much necessary to decide the case on merits and the additional evidence on his side is very much necessary and essential and the delay is not intentional but for the above said bonafide reason. Hence, prays to allow the application.

3. The defendants have filed objection stating that, the said application is not maintainable either in law or on facts and is liable to be dismissed. Further stated that, the said application was filed only to drag on the proceedings and give trouble and harassment to the defendants and also filed the said application after lapse of 15 years. Hence, the same is viewed from any angle the said application is not maintainable and liable to be dismissed. Further submitted that, the documents produced by the plaintiff No.1(a) is no way concerned to the suit property at this stage the present application is filed by the plaintiff No.1(a) does not arise at all. Hence, prays to dismiss the application.

4. Heard both the sides.

5. In pursuance to the materials on record and circumstances of the matter, the suit is one for permanent injunction. Further, the major issues raised by the court in the subject matter is upon the plaintiff to substantiate the same. Hence, he must be provided with an opportunity to substantiate his case on hand and this court is of the opinion that, at present the plaintiff only intends to furnish the documents i.e., copy of patta book, copy of receipt for payment of government dues, encumbrance certificates, mutation register extract and RTC extracts and he intends to mark the same as the exhibit and according to him the same were misplaced. Admittedly there is a delay as submitted in the objection by the defendant but only the reason of delay cannot be made out as a ground for rejecting the application as already stated the burden is upon the plaintiff to prove his ownership and title as well as possession with respect to suit property and if the application is not considered at this stage it would lead to multiplicity of proceedings and also delay in concluding the matter. In turn, if an opportunity is given, the same would avoid further delay and rather would aid in proper adjudication of the matter and that apart

the contentions raised by the defendants is a subject matter of trial as because mere marking of documents or production of the same will itself not prove the subject matter. However, the delay caused by the plaintiff to the other end needs to be compensated and imposition of cost would suffice the purpose. Hence, the said applications are considered and allowed on cost of Rs.500/-.

For further chief of PW.1 call by 29.07.2026.

Sd/-

**I Addl. Civil judge & JMFC.,
Kanakapura.**