

ORDERS ON I.A.No.9

The plaintiffs have filed the instant I.A., U/O.VII Rule 14(a) r/w. 151 of C.P.C., along with list with documents and prayed to condone the delay if any.

2. The copy of I.A., was served to the other side. After providing sufficient opportunities the defendant No.1 has not filed the objection to I.A. Hence, objections to I.A., No.9 of defendant No.1 is taken as not filed.

3. Heard arguments of plaintiffs. In spite of sufficient opportunities, the counsel for the defendant No.1 has not addressed the arguments. However, liberty is given to the defendant No.1 counsel to submit written submission if any before office on or before 20.02.2025, but he has failed to comply the same.

4. On perusal of the rival contentions and other materials placed on record, the following points that would arise for my consideration are :

1) Whether the I.A.No.9 filed by the plaintiffs is deserve to be allowed?

2) What order?

5. My findings on the above points are as follows :

Point No.1 : In the Affirmative,

Point No.2 : As per the final Order,

for the following:

REASONS

6. **POINT NO.1:-** It is the urge of the plaintiffs that, the documents intended to be produced by the plaintiffs are very much necessary to prove the case of the plaintiff. It is very pertinent to note that, the defendant No.1 has not objected the said I.A.

7. On perusal of the materials placed on record, admittedly it is a suit for declaration and injunction. The burden of proof is always lies upon the plaintiffs to establish their title and possession over the suit schedule property. The plaintiffs have come with this I.A., along with they have produced the list with documents and prayed to condone the delay if any in furnishing the documents as mentioned in the I.A. To substantiate the

contention of the plaintiffs' case, one more opportunity would be given to them by imposing cost, it would meet the ends of justice. If the plaintiffs are permitted to mark the said documents as exhibits, certainly the counsel for the defendant No.1 would get an opportunity to cross-examine the witnesses with regard to the said documents. If this application is allowed, there is no harm caused to other side. For considering all these reasons, I answer point No.1 in the 'Affirmative'.

8. **POINT NO.2:-** In view of my findings on Point No.1, I proceed to pass the following :

ORDER

I.A.No.9 filed by the plaintiffs is hereby allowed on payment of cost of Rs.200/-.

For plaintiff evidence by 01.04.2025.

**(SHIVAKUMAR.R)
ADDL. SR. CIVIL JUDGE &
J.M.F.C., MAGADI.**