



**IN THE COURT OF THE ADDL. SENIOR CIVIL JUDGE & J.M.F.C.,
AT: MAGADI.**

Present:

Sri. Sandeep S. Reddy, B.A., LL.B.,
Addl. Senior Civil Judge & JMFC., Magadi.

DATED: THIS THE 2nd DAY OF NOVEMBER 2023

OS.No.388/2016

Plaintiffs : Sri. Huchappa & Anr.,

(By **Sri. K.S.M.**, Advocate }

V/s

Defendants : Sri. H. C. Muniyappa & Ors.,

(By **Sri. N.S.S.**, Advocate)

ORDER ON IA NO.17

The aforesaid suit seeking the relief of declaration, possession and consequential reliefs.

2. The I.A.No.17 is filed U/O.VII R.14 of C.P.C., praying to permit the plaintiff to produce and mark the documents by condoning the delay in production of the aforesaid documents.

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3. In the accompanying affidavit to the I.A.No.17 the plaintiff has taken the contentions that, defendants have created and fabricated and forged documents with respect to suit schedule property and that the police complaint before Halsur Gate Police Station has been lodged and they intend to produce the said documents through their evidence and prays for permitting them to bring on record the aforesaid documents.

4. The defendant No.1 has filed objections stating that, the said application is not maintainable and liable to be dismissed in limine. That, the documents are not relevant documents. That, there is no criminal allegations against the defendants in the plaint and the FIR registered against them has been fastened against the legal heirs. That, the documents in question are totally irrelevant and the document is foreign to the ambit of the suit. Hence, the defendant No.1 prays for dismissing the aforesaid application.

5. Heard arguments of both the counsel.

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6. Considering the contention of both the parties following points arise for my consideration;

1. Whether the plaintiff has made out a case for permitting him to produce documents as sought for ?
2. What order?

7. My finding for the above points are as follows

Point No.1 : In the affirmative
Point No.2 : As per final order
For the following;

REASONS

8. **Point No.1:-** It is the case of the plaintiff that, the documents sought to be produced by him are relevant documents and the said documents are necessary to prove the case.

9. That, the plaintiff contends that the documents in question are the FIR and complaint in a criminal case lodged before Halsur Gate Police with respect to the aforesaid schedule property and creation of forged and fabricated documents.

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10. The defendant has taken the contention that, the aforesaid documents are not the suit documents and hence they should not be permitted to be produced before the court U/O.VII R.14 of C.P.C. The defendant has further taken the contention that, the plaintiff has not mention the reason for non-production of the documents on the steps taken by the plaintiff for trying to produce the said documents.

11. The contention of the plaintiff with regard to the documents sought to be produced being not the suit documents cannot be produced U/O.VII R.14(3) of C.P.C., is an acceptable argument. Further, the argument of plaintiff is supported by S. Venkatappa V/s. D. N. Purushotam Rao 1996 (6) KAR LJ 161. However, the documents which the plaintiff is seeking to produce are the FIR and complaint. The said FIR was filed subsequent to the filing of the aforesaid suit. The subsequent event and the documents relating to the subsequent event does not come within the purview and definition of suit documents.



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12. The subsequent development and the documents thereof can be produced U/O.VII R.14 of C.P.C., by virtue of judgement of Hon'ble Supreme Court of India in N. C. Bansal V/s. Uttar Pradesh Financial Corporation (2018) 2 SCC 347, wherein the Hon'ble Supreme Court of India permitted documents obtained through RTI to be produced as additional documents.

13. Even in the aforesaid case the documents filed by the plaintiff was obtained subsequent to the filing of the aforesaid suit. Hence, the documents produced by the plaintiff are liable to be produced as additional documents. The question of admissibility, relevancy and proof of documents are required to be looked into at the time of marking of the documents. Hence subject to relevancy and proof, the aforesaid application is liable to be allowed. Considering the facts and circumstances of the case and for the reasons stated above and in the interest of justice and equity I decide point no. 1 in the affirmative.

14. **Point No.2:-** In view of reasons on point No.1, I proceed to pass the following;



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ORDER

**IA No.XVII filed U/o.VII Rule 14(3) R/w
Sec.151 of CPC filed by the plaintiff is hereby
allowed on cost of Rs.500/-.**

(Dictated to the Typist directly on the computer, typed by her,
corrected by me and then pronounced in the open court on this the
2nd November, 2023.)

**(Sandeep S. Reddy)
Addl. Senior Civil Judge & JMFC
Magadi.**