

ORDERS ON I.A.No.21

The defendant No.7 to 11 have filed the I.A.No.21 U/O. 8 R.1(a) r/w. 151 of C.P.C., and prayed be pleased to condone the delay if any in filing of the documents.

2. The copy of I.A., was served to the other side. The counsel for the plaintiff has filed the objection to I.A.No.21 and resisted the I.A., filed by the defendant No.7 to 11.

3. Heard arguments on both sides.

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.21 filed by the defendant No.7 to 11 is deserves 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 defendant No.7 to 11 that, at the time of filing of the documents the xerox copies of the documents were produced. Now the defendant No.7 to 11 are producing the original documents and certified copies of the same and sought for to permit the defendant No.7 to 11 to mark those documents as exhibits of 'D' series.

7. On the other hand, the plaintiff has contended that, the documents produced by defendant No.7 to 11 are certified copies and moreover the defendant No.7 to 11 have produced the said documents at belated stage. Hence, the I.A., filed by the defendant No.7 to 11 is not tenable.

8. On perusal of the materials placed on record, admittedly it is a suit for declaration and injunction in respect of suit schedule properties. When the matter is set-down for further chief of DW-1, the defendant No.7 to 11 have moved

this I.A., along with documents and prayed to condone the delay if any in filing the documents. The main contention of the defendant No.7 to 11 that, at the time of filing of the written statement, they have furnished the xerox copies of the documents as mentioned in the I.A., but now they are producing the certified copies of the same. The defendant No.7 to 11 are intended to mark the documents mentioned in the I.A., as exhibits on their behalf. Under these facts and circumstances, the one more opportunity would be given to the defendant No.7 to 11 to produce the documents and also to mark the same as exhibits by condoning the delay by imposing cost, it would meet the ends of justice. If these I.A., is allowed and defendant No.7 to 11 have marked the documents mentioned in the I.As., as exhibits of 'D' series, certainly the counsel for the plaintiff would get an opportunity to cross-examine the DW-1 with regard to the documents mentioned in the I.A. If this I.A., is allowed, there is not hardship cause to the other side. For considering all these reasons, I answer point No.1 in the 'Affirmative'.

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

ORDER

I.A.No.21 filed by the defendant No.7 to 11 is hereby allowed on payment of cost of Rs.400/- each.

For further chief of DW-1 by 29.11.2024.

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