

KASM300000862025



**IN THE COURT OF PRL. SENIOR CIVIL JUDGE & JMFC.,
BHADRAVATHI.**

Dated on this the 4th day of July, 2026

PRESENT: **Sri. Raghavendra.D., B.Com., LL.B.,
Prl. Sr. Civil Judge & JMFC.,
Bhadravathi.**

R.A.No.9/2025

Appellants : Smt.Bibi Jan & others

(By Adv., Sri.H.V.U.)

-Vs-

Respondents : Smt.Rabiya Bi & Others

(By Adv. Sri.H.B.S.)

PARTIES TO I.A.No.II

Appellants : Smt.Bibi Jan & others

Vs.

Respondents : Smt.Rabiya Bi & Others

ORDERS ON IA No.II

The appellant filed I.A.No.II under Order XLI Rule 27 r/w Section 151 of CPC praying to permit him to condone the delay in production of documents and permit to mark the documents on behalf of appellant.

2. The application is accompanied by an affidavit sworn by one Sri.Asalam - 2nd appellant. In his affidavit he has stated that respondent by placing false statement and false documents got obtained the Judgment and decree in O.S.No.440/2018 on the file of IV Addl. Civil Judge at Bhadravathi. Against the said Judgment he preferred this appeal. They are all tenants in common, having equal rights over the suit property and they are in joint possession. Due to their illiteracy they were not aware of reading and writing of any language. Recently having memory about sale deed who had been acted upon as per M.R.No.1/2000-01 having possession for an extent of about 3 acres 26 guntas in Sy.No.68/2 and 68/4 situated at Tadasa village. In their share property was shown which was prepared by the Surveyor. The respondents without respect to the Court of law by ignoring about pendency of partition suit in O.S.No.67/1994, sold the some extent of land out of their share about 3 acres 26 guntas in Sy.No.68/2. The respondents have sold about 90% of land to different persons in due existence of Court proceedings. Even though for wrongful gain they have falsely claiming that they are in possession. In order to falsify the case of the respondent he wanted to produce sale deed dated: 5.8.2008 with RTC and MR document is vital document to rebut the false claim of respondents. Hence, prays to allow the application.

3. Per contra, the respondents filed objections by denying the affidavit averments. By virtue of registered relinquishment deed executed by Sri.Meeran Sab in the year 1975 they lost all rights, title and interest over the suit property. The appellants claiming under him as legal heirs have no locus standi to question the legal acts of respondents. The appellants are litigating the matter from 1994. The alleged document now sought to be introduced are not related to suit schedule property and also not required to decided the matter in dispute. Only with bad intention filed this application. The appellants were given sufficient opportunity to produce documents during proceedings before trial Court. Now, they are trying to make out new case. If application is allowed and documents are permitted to produce, entire case has to be reopened and fresh trial would be necessary which is not permitted under law. The application filed by the appellants not satisfied ingredients under Order XLI Rule 27 of CPC. The appellants filed this application to avoid the progress of appeal. The reasons stated in the application is not tenable under law. The appellant in order to cause harassment to the respondents filed present application which is not sustainable in law. The appellants not approached the Court with clean hand. Hence, prays to dismiss the application.

4. Heard arguments on both sides and perused the materials available on record.

5. Now the points that would arise for my consideration are:

1) Whether appellants have made out grounds to produce documents and mark the same by way of additional evidence?

2) What Order?

6. My answers to the above points are as under:

Point No.1: In the affirmative,

Point No.2: As per final order

for the following:

REASONS

7. **Point No.1**: - The respondent filed suit for permanent injunction. Burden lies upon them to prove their possession in the suit property. The respondent before trial Court has produced oral and documentary evidence to prove their possession in the suit property. The appellant produced computerized copy of sale deed dated: 5.8.2008, computerized copies of RTC and mutation register extracts along with application filed under Order XLI Rule 27 r/w Section 151 of CPC.

8. In addition to all these documents also produced photographs and CD. The appellant now wants to produce documents to show that they are also in possession of suit property. Admittedly, appellant filed a suit for partition and separate possession in O.S.No.67/1994. Now, the appellant wants to mark sale deed and other revenue documents before this Court to rebut the case of the respondent. The appellant in their affidavit they have stated that they have forgotten to produce sale deed

before trial Court to establish their possession. Now, they want to mark the same and to prove their contention.

9. After hearing arguments of both side on merits and on perusal of entire trial Court record, it appears that it is just and proper to give an opportunity to the appellant to mark the documents. The respondent got opportunity to cross-examine the witnesses. If this Court permitted the appellant to produce and mark documents, no hardship will cause to the other side. The grounds stated in the affidavit sufficient to allow I.A. Hence, I answered point No.1 in the affirmative.

10. **Point No.2:** - In view of the reasons assigned above, I proceed to pass the following:

ORDER

I.A.No.II filed under Order XLI Rule 27 of CPC is hereby allowed.

The documents filed by the appellants taken on record by condoning delay.

The appellants are permitted to mark the documents.

For further appellants/defendants evidence by: 06.07.2026

(Dictated to the Stenographer, transcribed by her, corrected by me and then pronounced in the open court on this the 4th day of July, 2026)

**(Raghavendra.D)
Prl. Sr. Civil Judge & JMFC.,
Bhadravathi.**