

KASM300006012025



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

Dated on this the 23rd day of July, 2026

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

O.S.No.97/2025

Plaintiffs : Sri.Mudalagiri Gowda and another

Vs.

Defendants : Sri.K.Sippegowda @ Sidlegowda
and another

PARTIES TO I.A.No.2

Applicants in IA/plaintiffs: Sri.Mudalagiri Gowda and another

(By Adv., Sri.S.P.D.)

Vs.

Opponents in IA/defendants : Sri.K.Sippegowda @ Sidlegowda
and another

(D1 by Adv., Sri.A.N.T.)
(D2 Exparte)

ORDERS ON I.A.2

The learned counsel for plaintiffs/applicants has filed I.A.No.2 under Order VII Rule 14 read with Section 151 of CPC praying to permit them to produce list of document by condoning delay.

2. The application is accompanied by an affidavit sworn by the plaintiff No.2. In his affidavit he has stated that due to ignorance photocopy of the Will had been produced and now he obtained the certified copy of said Will and the said Will would play dominant role in making the judgment as the said document came into existence much earlier to the cause of action. If the court not allowed this application he will put in great hardship. Hence, prays to allow the application.

3. Per contra, learned counsel for defendant No.1 filed objections by contending that the application is not maintainable. The said document is not permissible under without accountability about original Will. As per Section 68 of Indian Evidence Act the Will is compulsory attestable document as such the plaintiff is not competent to get mark of said document without examine the attested witness. The plaintiff has not stated reasons to file said application. Hence, prays to reject the application.

4. I have heard arguments on both side and perused the materials available on record.

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

- 1) Whether plaintiffs have made out ground to permit them to produce document?**
- 2) What order?**

6. My findings 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 plaintiffs have filed a suit for declaration and permanent injunction. When case posted for further chief examination of PW1, the defendant No.1 filed written statement and filed objections to IA No.2 by contending that the production of certified copy of Will is not permissible under without accountability about original Will and plaintiff is not competent to get mark of said document only it has been marked through attesting witness. The plaintiff has not stated that due to his ignorance he has not produced certified copy of Will and the said document is very much necessary to prove his case. There is no bar to produce certified copy before the court. The proof of document is different from production of document. The burden lies upon the plaintiffs to prove the document which he going to rely before the court. So, at this stage this court cannot decide the admissibility of document.

8. The defendants will get opportunity to cross examine the document produced by the plaintiffs before the court. The delay and inconvenience caused to the defendants can be compensated by imposing cost upon the plaintiffs. In my opinion even this court permitted plaintiffs to produce document no hardship will cause to the other side. In the interest of justice it is just and proper to allow

this application filed by the plaintiffs. So, in my opinion, the grounds urged by the plaintiff No.2 in his affidavit are sufficient to permit him to produce document. Accordingly, **I answered point No.1 in the affirmative.**

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

ORDER

I.A.No.2 filed under Order VII Rule 14 read with Section 151 of CPC by the plaintiffs is hereby allowed on cost of ₹.100/-.

List of document filed by the plaintiffs taken on record by condoning delay.

(Dictated to the Stenographer, typed by her, corrected and then pronounced by me in the open court on this the 23rd day of July, 2026)

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