

ORDERS ON I.A No.7 AND 8

1. The defendant has filed IA No. 7 under Order VIII Rule 1A of CPC seeking to condone the delay in producing additional documents, and he has filed IA No. 8 under Section 151 of CPC to reopen the case for the further chief examination of DW1.

2. In the affidavit accompanying the above applications, the defendant has submitted that the plaintiff has filed a suit seeking a permanent injunction against the defendants. In the written statement, he has resisted the case of the plaintiff. However, the additional documents which are sought to be produced by the defendants are necessary for the complete adjudication of the case. Since all the documents had to be obtained from the revenue authorities, there was a delay in procuring those documents. Hence, in view of the delay, when the case was posted for further evidence of the defendants, the further chief examination of DW1 was taken as NIL. Since the documents sought to be produced are very crucial in nature, the defendant has sought to reopen the case for the further chief examination of DW1 and to take the additional documents on record.

3. The counsel appearing for the plaintiff has filed objections stating that the mutation records and the other revenue records sought to be produced by the defendant are concocted documents and not genuine ones. He

further stated that the said documents contain illegal entries which were made behind the back of the plaintiff. The plaintiff has contended that the revenue records do not prove title. Hence, the said documents cannot be marked.

4. Heard the learned counsel appearing for the plaintiff and the defendant on IA No. 7 and 8.

5. Upon the rival pleadings of the parties the points that arise for consideration of this Court:

POINTS

1. Whether the defendant establishes that it is just and necessary to reopen the case for the further chief examination of DW1 and to take the additional documents on record?

2. What Order?

6. The findings of this court to the above Points are as follows:

POINT NO.1 : *In the Affirmative*

POINT NO.2 : *As per order for the following: -*

R E A S O N S

7. **POINT NO.1:-** The present suit is for a permanent injunction with respect to the suit schedule property. In the case at hand, the plaintiffs have led their evidence and the case was posted for defense evidence. Then, DW1 got himself examined and sought time to get the documents marked. Despite sufficient opportunity, the documents were not marked. Hence, the further chief examination of DW1 was taken as NIL. Now, the defendants have asserted that the documents sought to be produced by the defendants are revenue documents which were required to be issued by the revenue authorities. Therefore, there was a delay in procuring those documents, which was not intentional on the part of the defendant.

8. Upon perusal of the documents sought to be produced by the defendants, it is apparent that all the documents are certified copies issued by the revenue authorities. That being the case, in order to adjudicate the case exhaustively, it is necessary to take those documents on record by marking the same. The objections of the

plaintiff relating to the proof of the said documents are a subject matter of the trial and the same can be tested while cross-examining DW1. That being the case, this Court is of the view that it is necessary to reopen the case for the further chief examination of DW1 and to take the additional documents on record. ***Accordingly, point No. 1 is answered in the Affirmative.***

9. **POINT NO.2:** - In view of the aforesaid discussion, this Court proceeds to pass the following;

ORDER

The IA No. 7 and 8 filed by the defendant are allowed on a cost of ₹ 200.

The case is reopened for the further chief examination of DW1.

Call for the further chief examination of DW1 by 22.06.2026.

I Addl. Civil Judge, JMFC.,
Shikaripura.