

IN THE COURT OF THE ADDL. CIVIL JUDGE AND
JMFC.,GUBBI

Present: Sri. Ganesha N. M.A. LL.B.,
Addl. Civil Judge and JMFC.,
Gubbi.

Dated this 4th July of 2018

O.S. No. 51/2007

Plaintiffs: Hanumanthaiah and others
Vs.

Defendants: Ramaiah and others

ORDERS ON I.A. No. 18 FILED UNDER ORDER 7 RULE
14(3) OF C.P.C.

The plaintiffs have filed the instant application under order 7 Rule 14 (3) of CPC seeking permission of this court to produce the documents mentioned in the list.

2. In the affidavit accompanying to the application plaintiff No.6 stated that the defendants have created illegal documents. The defendant No. 5 has executed a registered GPA on 19-11-15 in favour of defendant NO.6 during the pendency of the instant suit without the permission of this court. It is further stated that defendant NO.6 by virtue of said registered GPA has created sale deed dated 10-03-16 and has changed katha and pahani into his name illegally.

It is further stated that the documents which the plaintiffs are intended to produce by leave of this court are pertaining to the above said illegal transactions. It is further stated that the intended documents are necessary to prove the case of the plaintiff. Therefore he prays to allow the application.

3. Per contra, the defendants have filed their objections, wherein it is stated that the plaintiff has filed the application along with concocted documents to establish his case and the reasons assigned in the affidavit are not genuine and the facts narrated in the affidavit is concocted and there are no proper reasons to condone the delay in production of documents. Hence they prays to dismiss the application.

4. Heard the counsel for plaintiff and defendant and perused the pleadings, IA No.18, affidavit and other material on record.

5. The points that arise for my consideration are:

1. Whether the application filed U/o 7 Rule 14(3) of CPC is deserves to be allowed?

2. What order?

6. My answer to above points are as under:

Point No.1 – Affirmative

Point No.2- As per final order for the following

REASONS

7. Point No.1– It is stated that the defendants have created illegal documents. The defendant No. 5 has executed a registered GPA on 19-11-15 in favour of defendant NO.6 during the pendency of the instant suit without the permission of this court. It is further stated that defendant NO.6 by virtue of said registered GPA has created sale deed dated 10-03-16 and has changed katha and pahani into his name illegally. It is further stated that the documents which the plaintiffs are intended to produce by leave of this court are pertaining to the above said illegal transactions. It is further stated that the intended documents are necessary to prove the case of the plaintiff.

8. The plaintiffs are intended to produced the documents which are pertaining to transactions held subsequent to the filing of the instant suit. Those are pertaining to execution and its concomitants of registered

GPA dated 19-11-15 executed by defendant No.5 in favour of defendant NO.6 without the permission of the court. Mere production is not proof of documents. The plaintiffs have to prove the documents intended to be produced as per provisions of the Indian Evidence Act. The veracity and legal sanctity of the documents will be considered at the time of appreciating the evidence while deciding the issues. Therefore this court finds no impediment to allow the instant application. Hence I answered point NO.1 in the affirmative

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

ORDER

I.A.No.18 filed by the applicant/plaintiff under order 7 Rule 14(3) of CPC is hereby allowed.

Plaintiffs are permitted to produce the documents mentioned in the list dated 01-08-17.

(Dictated to Stenographer directly and typed by her, script corrected, signed and then pronounced by me in the open court on 4th July 2018)

(Ganesha N.)
Addl. Civil Judge and JMFC.,
Gubbi.