



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC AT
GUBBI**

Dated this the 1st day of June 2026

:PRESENT:

**SRI. KIRAN S.P. B.B.M., LL.B.
Prl. Civil Judge & JMFC., Gubbi**

O.S. No. 231/2019

Plaintiff:

Boregowda

-V/s-

Defendant:

K.G. Siddaramanna

CAUSE TITLE TO IA No.5

Applicant:

K.G. Siddaramanna (defendant)

(By Sri. P.M.P., Advocate)

-V/s-

Respondant:

Boregowda (plaintiff)

(By Sri. T.N.G., Advocate)

ORDER ON I.A.5

The defendant has filed IA No.5 under Order 8 Rule 1-A of CPC to permit him to produce additional list with documents.

2. Plaintiff has filed objection to IA No.5 and contending that the application is not maintainable either in law or on facts, the applicant has sworn to the false affidavit. The applicant is



producing the secondary evidence of certified copy of the registered sale deed through which the plaintiff's mother acquired the property on which the defendant is claiming his right and title. The defendant had not at all laid down any foundation about the non-availability of primary evidence in his Written statement. The applicant had not seek permission of the Hon'ble court for production of secondary evidence as provided under Indian evidence Act. On these grounds he prays to dismiss the application.

3. Heard arguments and perused the pleadings and materials placed on record.

4. The points that arose for determination is:

Point No.1: "Whether the defendant has made out grounds to allow I.A. filed under order 8 rule 1-A of CPC?"

Point No.2: What Order?

5. The answer to the above points are as follows:

Point No.1: In the affirmative

Point No.2: As per final Order,

for the following :

:REASONS:

6. **Point No.1:** The plaintiff has filed the suit for the relief of permanent injunction over the suit schedule property. Now the case is posted for further chief examination of DW.1. At this



juncture IA No.5 is filed to produce the additional list with documents.

7. As per the defendant, that the plaintiff has filed the present suit against defendant for permanent injunction with respect to suit schedule property and the said case is posted for evidence on defendant's side. Defendant intended to produce the important piece of documents along with a list and the documents have been from the concerned authority recently. Hence the delay. The delay is bonafide one but not intentional one. The documents now sought to be produced are of great importance to elucidate the matter in controversy between the parties effectually. No harm would be caused to the other side, if the instant application is allowed, if not allowed defendant would be put to great loss and injury which cannot be compensated in any terms.

8. Perused the document produced by defendant, he has produced certified copy of registered sale deed dated:22.07.1974.

9. As far as the production of documents is concerned decision reported in AIR 2010 SCW 1900 (LIC of India V/S Rampal Singh Bisen) is relevant, where in it is held as under.

"Admission of documents may amount to admission of contents but not its truth. Contents of documents cannot be proved by merely filing in a court."

10. The above decision is sufficient to hold that documents are not proved only because of produce before the court. In order



to fair opportunity given to both parties, it is just and proper to allow this application, Accordingly, the findings of this court to the point No.1 in the **Affirmative**.

11. **Point No.2:** For the aforesaid discussion on Point No.1, this Court proceeds to pass the following:

ORDER

***I.A No.5 filed by the
defendant under Order 8 Rule 1-A
of CPC is hereby allowed on cost
of Rs.100/-.***

(Dictated to the Stenographer directly on computer, typed by her corrected and then pronounced by me in the open court on 01.06.2026)

Sd/-
(KIRAN S.P.)
Prl. Civil Judge & JMFC.,
Gubbi.