

: ORDER ON I.A.No.IV :

The G.P.A. holder of plaintiff No.1 has filed I.A.No.IV under Order 7 Rule 14(3) r/w Sec.151 of CPC., seeking permission to file the documents by condoning the delay.

2. The G.P.A. holder of plaintiff No.1 has sworn to an affidavit in support of this I.A. and contended that, this suit is filed for partition and separate possession, some relevant documents were misplaced and recently the same are traced, hence the delay in production of documents is not intentional but for bonafide one. If the application is allowed no hardship or injustice will be caused to the other side. Hence, prays to allow the application in the interest of justice and equity.

3. The defendants have filed objections to this I.A. and contended that the said application is not maintainable in law or on facts and the same is liable to be dismissed in limine. The reasons stated in the affidavit is false. Just to drag on the matter plaintiff has filed this I.A.. hence, prays to dismiss the I.A. with cost.

4. Heard on I.A and perused the materials placed before me.

5. The points that arise for my consideration are as follows;

1. Whether I.A.No.IV filed by the G.P.A. holder of plaintiff No.1 under Order 7 Rule 14(3) r/w Sec.151 of CPC., is deserves to be allowed?
 2. What order?
6. My findings to the above points are as follows;
- 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 the suit for partition and separate possession. Recently plaintiff has led evidence in the month of June through G.P.A and sought time to lead further evidence. Thereafter he had filed this I.A. seeking permission to file the documents by condoning the delay. The annexed documents are relevant for the proper adjudication of matter. The delay appears to be bonafide and not intentional. Hence, there is no impediment in allowing the application. At this stage, plaintiff has made out valid grounds to condone the delay in producing documents. Hence, I answer **Point No.1 in the Affirmative.**

8. **POINT No.2:** For the aforesaid reasons, I proceed to pass the following:

ORDER

I.A.No.IV filed by the GPA holder of plaintiff No.1 under Order 7 Rule 14(3) r/w Sec.151 of CPC., is hereby allowed.

Plaintiff is permitted to produce additional documents.

No order as to cost.

Sd/-

**Prl. Senior Civil Judge & JMFC.,
Madhugiri.**