

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

Dated this the 28th day of September 2021

PRESENT :

SMT. HAVALADA SOWMYASHRI

B.A. L.L.M.,

Prl. Civil Judge & JMFC,
Madhugiri

O.S. No.81/2013

Plaintiff : Inamath Sab @ Inamathulla Sab @
Syed Inayath @ Inayath Sab @ Syed
Inayath Sab S/o late Noorudin Sab
@ Syed Noorulla Sab @ Mohinuddin Sab
aged about 62 years,
R/o Gottukurike village,
Rolla Mandal, Madakasira Taluk,
Ananthapur District (A.P.)

(By Sri K.S.H., Advocate)

Vs/-

Defendants : 1) Syed Gafoor Sab @ Gafoor Sab
S/o late Nooruddin Sab @
Syed Noorulla Sab @ Mohinuddin Sab
aged about 57 years
2) Basha Sab
S/o late Nooruddin Sab @
Syed Noorulla Sab @ Mohandis Sab
aged about 50 years

3) Syed Babu Sab @ Babu Sab
S/o late Nooruddin Sab @
Syed Noorulla Sab @ Mohinuddin Sab
aged about 45 years

All are R/o Gottukurike village,
Rolla Mandal, Madakasira Taluk,
Ananthapur District (A.P.)

(Defendant No.1 By Sri LBR, Advocate)
(Defendant No.2 & 3 By Sri HVM, Advocate)

I.A.No.XII

Applicants : Syed Gafoor1st Defendant

Vs/-

Opponent : Inayathsab Plaintiff

* * *

**Order on IA.No.XII filed under Order VIII Rule 1A of
CPC by defendant No.1.**

Along with I.A.No.XI the counsel for defendant No.1 filed I.A.No.XII under Order 8 Rule 1(A) of CPC with a prayer to permit him for production of documents listed in the list of documents. The affidavit annexed to the I.A. shows that, he has filed I.A.No.XI under Order 6 Rule 17 of CPC but he did not file documents at the time of filing said application. He recently obtained the documents from revenue office and these documents are very necessary to prove his case.

2. On the contrary, counsel for plaintiff filed objection stating that there is no proper reason for the said application, the defendant No.1 has sworn false affidavit and the documents which he is intending to produce and created documents. At the time of filing written statement, the defendant No.1 intentionally did not produced the documents. After lapse of 5 years from the date of filing written statement, the defendant No.1 has filed present application by creating reasons and stories. Hence he prayed to reject the application.

3. Heard, perused the records placed before the court.

4. The points that arise for my consideration are as under :

1. Whether defendant No.1 has made out sufficient grounds to allow the application ?

2. What order ?

5. My findings to the above points are as under:

Point No.1..... In the Affirmative,

Point No.2..... As per the final order

for the following :

REASONS

6. **POINT No.1** : Perusal of list of documents shows that the defendant No.1 intends to produce the original Sale Deed dated 12-12-1972, original Sale Deed dated 15-02-1978, original Sale Deed dated 25-07-1978, six RTCs, two M.Rs, 17 RTCs, hiduvali chit, rough sketch, tax paid receipts, ledger katha extract which are in support of his application filed under I.A.No.XI. Though there is delay in filing list of documents as argued by counsel for plaintiff, satisfactory grounds made out by the defendant No.1 to allow the application. Hence point No.1 is answered in Affirmative.

7. POINT No.2 : In view of the discussion on Point No.1, I proceed to pass the following :

ORDER

I.A.No.XII filed by defendant No.1 under Order 8 Rule 1(A) of CPC is hereby allowed subject to payment of costs of Rs.500/-.

Sd/-
(H. Sowmyashri)
Prl. Civil Judge & JMFC,
Madhugiri.