

KAUK020008532013



:: Orders on I.A.No.15::

The defendant No.1 has filed this I.A-15 under Order 8 Rule 1A of C.P.C. to condone the delay in production of the documents.

2. In the memo of facts it is stated that the defendant No.1 wants to produce the documents shown in the memo of facts. The documents are material documents to decide the case. The documents were misplaced and prayed to allow the application.

3. On the other hand the plaintiff has opposed the application by filing the written objections and stated that the defendant No.1 has produced documents but there is a delay. These documents were not produced in O.S.No.24/2013 or in R.A.No.16 and 17/2018. The defendant No.1 has not present before the court by filing this application, therefore itself shows that the documents were concocted and forged one. The defendant No.1 has not furnished

the copies of the documents, but only furnished copy of the list. In spite of the direction to give the copy of the documents by the

court, the defendant No.1 has failed to give copy of documents. The documents produced by the defendant No.1 are not original document and it cannot be looked into and prayed to reject the application.

4. Heard on I.A.

5. The following points arise for my consideration;

1. **Whether the application filed by the defendant No.1 deserves to be allowed ?**

2. **What order ?**

6. My answer the above points is as under;

Point No.1:- **In the Affirmative.**

Point No.2:- **Is as per the final order for the following;**

REASONS

7. **Point No.1**:- The plaintiff has filed suit for partition and separate possession against the defendants, when the case was posted for cross examination of PW-1, the advocate for defendant No.1 has filed this IA under Order 8 Rule 1A of C.P.C. to condone the delay in production of documents stating that the documents were misplaced and the documents produced along with IA are material documents to decide the case.

8. On the other hand the plaintiff has stated that the defendant No.1 has not furnished the copies of documents, but only furnished copy of list. Further the defendant No.1 has produced the documents which are not original documents.

9. The plaintiff has filed suit for partition and separate possession against the defendants. The defendant No.1 has filed this application to condone the delay in production of documents and stated the said documents are material documents to prove his defence. The learned counsel for the plaintiff submitted that some of the documents are not original documents. The defendant No.1 has produced documents and sought the leave of the court for production of documents. The admissibility of documents will be considered at the time of marking the documents. Further the plaintiff has stated that the defendant No.1 has not furnished copy of documents. It is duty of the parties to the suit that they shall furnish documents to the other side. Hence the defendant No.1 is directed to furnish the copies of the documents to the other side. The defendant No.1 sought the leave of the court, hence contention of plaintiff will be considered at the time of admitting the document in evidence. If the I.A is allowed on cost it will meet the ends of justice, **accordingly point No.1 is answered in Affirmative.**

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

ORDER

I.A.No.15 filed by the defendant No.1 under Order 8 Rule 1A of C.P.C. to condone the delay in production of the documents is hereby allowed on cost of Rs.200/-.

Call on 19-08-2025.

**Prl. Senior Civil Judge & CJM,
Karwar.**

