

ORDER ON IA NO.II

This is an interlocutory application filed by the plaintiffs under Order VII Rule 14 CPC seeking permission to produce of documents namely RTC extracts.

2. In the support of above application, the Advocate for the plaintiffs has filed memo of facts stating that the plaintiffs are residing in Mumbai. Unfortunately they could not to produce documents earlier. Hence, it is prayed to allow the application.

3. To this application, the advocate for defendants has filed objections stating that the documents sought to be produced by the plaintiffs do not clearly prove any claim of the plaintiffs. They are trying to suppress something before the Court. Hence, they prayed to reject the application.

4. Having heard the learned Counsel for both plaintiffs and defendants on the above IA and upon perusal of IA as well as entire records of the case, it comes to be seen that the plaintiffs have sued the defendants for partition of suit schedule properties claiming a share therein. Defendants house resisted the suit by filing written statements. Issues were settled. Now the matter is at the stage of plaintiffs' evidence. The plaintiff No.1 has been examined as PW.1 and got marked the documents as Ex.P.1 to P.24. Now the plaintiffs have come up with present application seeking to produce the RTC extracts which according to them are relevant to prove their case. The only objections by the defendants is that said RTC extracts do not clearly prove any claim of the plaintiffs. Having regard to the facts and circumstances of the case and taking into consideration the materials on record, this

Court is of the view that the contention of defendants that the documents sought to be produced do not clearly prove any claim of the plaintiffs cannot be considered at this stage of the matter. Whether those documents sought to be relied upon by the plaintiffs would prove the case of plaintiffs or otherwise is a matter that can be gone into by the Court why appreciating the evidence and not now. Now what is sought for by the plaintiffs is only production of RTC extracts, which appears to the Court that said RTC extracts are relevant to prove the case of the plaintiffs. Therefore if the documents are permitted to be produced and marked through PW.1, no amount of prejudice will be caused to the defendants. In the event of documents being marked, certainly the defendants will get an opportunity to cross-examine PW.1 on such documents.

5. Taking into consideration all the above, this Court is of the considered opinion that the plaintiffs have made out sufficient grounds to permit production of documents at this stage of the matter. Therefore, there is no tenable resistance by the defendants to the present application. Hence, the application deserves to be allowed. Accordingly, I pass the following :

ORDER

(i) IA.No.II is allowed;

*(ii) The plaintiffs are permitted to produce
the documents as sought for in the above IA ;*

*(iii) For further chief-examination of PW.1 by
18-06-2024.*

**Addl. Senior Civil Judge,
Karwar.**