

**ORDERS ON I.A.No:XV U/O 8 RULE 1A R/W
Sec. 151 C.P.C. FILED BY THE DEFENDANT**

The plaintiff has filed the present suit for the relief of specific Performance of contract against the defendant.

2. The counsel for defendant has filed I.A.No.XV Under Order VIII Rule 1A R/W Sec.151 C.P.C. seeking permission of the Court to produce the documents.

3. The Plaintiff has filed his objections to I.A.No.XV and prayed the Court to dismiss I.A.No.XV

4. I have heard the arguments on I.A.No.XV. I have gone through the materials available on record. The following points arise for my determination.

POINT No.1: Whether the defendant No.1 has made out a case so as to allow I.A.No.XV?

5. My findings on the above points is in the **Affirmative** for the following;

R E A S O N S

6. **Points No.1:-** The plaintiff has filed the present suit against the defendants for the relief of specific performance of contract against the defendant. The defendant has filed IA No.VIII U/O 8 Rule 1A R/w Sec.151 of CPC seeking for permission of the court to produce the documents along with list of documents consisting three documents. The defendant contended that those documents are certified copies of the public documents and are very much necessary and relevant documents in the present case. Therefore, defendant has prayed the court to receive the said documents in his evidence.

7. The plaintiffs have filed objection to IA.No.XV. He has stated that the documents sought to produced by defendant cannot be taken on record since the same are not connected to the present case. It is further contended that, no proper reasons assigned by the defendant for the delay in producing the said documents and there is no pleadings which supports the relevance of the documents and by producing those documents no purpose will

be served. Hence, on these and other grounds he sought for dismissal of the application in question.

8. I have carefully perused the documents sought to be produced by the plaintiffs along with IA.No.XV which are the public documents. By receiving the documentary evidence sought to be produced along with IA No.XV pertaining to the pertaining to this case, at this stage appears to be undisputed documents and it will enable the court to adjudicate the matter on merits. It is pertinent to state here that, mere production of the documents does not amount to proof and that the defendant shall not be prevented from producing any documentary evidence in order to prove his case. At this stage, court cannot arrive conclusion with regard to genuineness of the documents and at this stage, defendant cannot be deprived from placing documents to prove his case. On the other hand, if the application is allowed no prejudice or hardship will be caused to the plaintiff for the reasons that they are at liberty to cross examine the DW.1 and test the genuineness of document during the

course of cross examination of DW.1. On the other hand, if the application is not allowed defendant will be put into irreparable loss and hardship for the reasons that he will be prevented from placing evidence. Hence, considering the nature of the suit and relief for in the suit, it is just and proper to allow the application in question. Therefore, I answered **point No.1 in the Affirmative.**

9. **POINT NO.2:-** In view of the above discussion and answers to the above point, it is just and proper to pass the following:

ORDER

IA.NO.XV filed by the defendant is hereby allowed subject to payment cost of Rs.300/-. Document filed along with IA.NO.XV is taken on record subject to proof.

Call on for further chief examination of DW.1 by 16-12-2023.

**Prl.Civil Judge and J.M.F.C-II,
Karwar**