

KAUK220003202022



**IN THE COURT OF THE SENIOR CIVIL JUDGE AT:
ANKOLA**

Dated this the 1st day of February 2024

PRESENT:

Sri. Manohara M.

LL.M.

Senior Civil Judge, Ankola.

ORIGINAL SUIT No.20/2022

Plaintiff: Smt. Jaysheree Mahesh Bhat

-Vs-

Defendants: Sri Jagdish Dhananjaya Hegde and another

I.A.No.X

APPLICANT: Smt. Jaysheree Mahesh Bhat

V/s

RESPONDENTS: Sri. Jagdish Dhananjaya Hegde and another

ORDER ON IA No.X

The plaintiff filed this application under Order VII Rule 14 R/W Section 151 of CPC to permit to produce the documents.

2. In the memo of facts of counsel for plaintiff in support of this application, it is stated that the plaintiff filed this suit for 1/3rd share in the suit schedule properties by metes and bounds, and this suit is set down for hearing on amendment application, and defendant No.1 filed suit in OS No.6/2006 (OS No.77/2004 before Senior Civil Judge Karwar) Senior Civil Judge, Kumta and in the said suit, he filed compromise petition and other documents are required for the decision of amendment application. Earlier the said documents could not be produced. Hence, this application is filed.

3. The counsel for defendant No.1 filed objection stating that the plaintiff has not stated the reason for non-production along with the plaint, and the facts stated in the para No.2 of the plaint, and the produced documents are contradictory each other. The produced documents are not the decree of the court. Hence, it is prayed to dismiss the application.

4. Having heard both side and having perused the plaint, IA No.X, WS and other materials following points arise for consideration.

1. Whether the plaintiff made out ground to produce documents as prayed for

2. What order?

5. My answer 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: Admittedly, this suit is filed by plaintiff for partition and also declaration. It is also true that the defendant No.1 filed amended application which is pending. According to plaintiff, the documents of OS No.6/2006 are necessary documents to decide the said amendment application. The mere production of the documents is not a proof. Hence, there is no merit in the objection of the learned counsel for defendant No.1. After production, if the plaintiff exhibited the said documents in her evidence, the defendant No.1 has got opportunity to cross-examine on the said documents. Hence, the defendant No.1 will not put to any hardship or injustice. Consequently, I answer point No.1 in the affirmative.

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

ORDER

**I.A No.X filed under Order
VII Rule 14 R/W Section 151 of
CPC is hereby allowed on cost of
Rs.100/-.**

(Dictated to the Stenographer, transcribed by him, transcription corrected by me and then pronounced in the open court on 1st February 2024)

(Manohara M.)
Senior Civil Judge, Ankola

