

KAUK510001062016



Presented on : 15-02-2016

Registered on : 15-02-2016

Decided on : 08-10-2025

IN THE COURT OF CIVIL JUDGE & JMFC, HALIYAL
AT: HALIYAL, UTTARA KANNADA

Dated this 08th day of October, 2025

PRESENT

Smt. Geeta. B.A.LL.B (Hon's) LL.M.,
Civil Judge and JMFC, Haliyal

ORIGINAL SUIT NO.20/2016

BETWEEN:

1. Sri. AbdulRahim Dalal S/o Mohammadakbar
Dalal,
Aged about 41 years,
R/o. #E/496, Khaji Galli, Haliyal,
Uttara Kannada.

.....Plaintiff

(By Sri. P.B.T, Advocate)

AND:

1. Mohammad Umar S/o Abdul Vahab Mujawar,
since deceased by his LRs
- 1(a). Mohammed Rafiq S/o Mohammaed
Umar Mujawar,
Age: 49 years, Occ: Business,
R/o. Convent Road, Haliyal,
Dist: Uttar Kannada and others.

....Defendants

(D-1 By Sri. BNR/SRH, Advocates)

(D-2 By Sri. M.B.P, Advocate)

I.A.No.14**Applicant/Deft No.2 : TMC, Haliyal****-Vs.-****Opponent/Plaintiff : Sri. AbdulRahim Dalal S/o
Mohammadakbar Dalal****ORDER ON I.A.NO.14**

The defendant no.2 filed I.A No.14 under Order VIII Rule 1-A R/w Section 151 of C.P.C., praying to permit him to produce the documents as per list, in the ends of justice and equity.

2. In the Memo of facts, the counsel for defendant no.2 stated that, the plaintiff has filed present suit for possession and mesne profits and defendants have appeared and filed their written statement and now the matter is posted for arguments. In the meanwhile, the lease period of the plaintiff and defendant no.1 has completed. Therefore, the defendant no.2 intends to produce some documents as mentioned in the list of documents to convince the Court that, the lease period is completed and the defendant no.1 has not paid the rent from the beginning. The documents are very much necessary to strengthen the case of defendant no.2. If the application is allowed, no harm will be caused to the other side. On the other hand, if the application is not allowed, the defendant no.2 will be put to hardship. With these

contentions, the counsel for defendant no.2 prayed to allow the application.

3. The counsel for defendant no.1(a) to 1(e) filed objections to the application contending that, the contents of application and affidavit are false and not maintainable. The case is posted for arguments and the defendant no.2 filed this application to drag on the proceedings with deliberate intention. The contention of the defendant no.2 is that, defendant no.1(a) to 1(e) were not in possession of suit property and now a days they send the notice to pay tax to the Pattan Panchayat. The whole intention of defendant no.2 is to harass the defendant no.1. As such, the defendant no.2 filed this unnecessary application. With these contentions, the defendant no.1(a) to 1(e) prayed to reject the application.

4. The plaintiff has not filed objections to I.A No.14.

5. Heard counsels for defendant no.1 and 2.

6. Now the points that arise for consideration are as under;

1. Whether defendant no.2 has made out grounds to permit him to produce documents?

2. What order?

7. Answers on the above points are as under;

Point No.1 : In the Affirmative.

**Point No.2 : As per final order
for the following;**

REASONS

8. POINT NO.1:- The plaintiff filed this suit for the relief of possession and mesne profits and now the case is posted for arguments. At this stage, the defendant no.2 filed this application praying to permit him to produce documents with respect to suit property. The defendant no.1(a) to 1(e) have strongly objected to the application contending that, application is not maintainable at this stage.

9. On perusal of the records, it is true that, the matter is posted for arguments and the defendant no.2 filed this application to produce some documents. On perusal of the documents produced by the defendant no.2, it appears that, said documents are with respect to suit property and they are transactions between the plaintiff and defendant no.2 with respect to suit properties. Therefore, they have to be considered to decide the matter effectively. Further, mere production of documents is not a proof of a fact but, they have to be appreciated at the time of deciding the case. Though the application has been filed at this fag end of the suit but, the alleged documents will assist the Court to arrive at proper conclusion with respect to suit property. Therefore, said documents have to be taken on record. Therefore, to provide to fair opportunity to the defendant no.2 to prove his

defence, he has to be permitted to produce documents. Hence,
I answer Point No.1 in the Affirmative.

10. POINT NO.2 :- In view of discussion on Point No.1
and for the reasons stated therein, I proceed to pass the following;

ORDER

**I.A.No.14 filed by the defendant
no.2 under Order VIII Rule 1-A R/w
Section 151 of C.P.C., is hereby
allowed.**

**The documents produced by the
defendant no.2 are taken on record.**

No order as to costs.

**For arguments, call on
16.10.2025.**

(Dictated to the Stenographer directly on system, typed by her,
then corrected, signed and pronounced by me in the Open Court on this
the **08th day of October, 2025**)

Sd/-

**(Geeta)
Civil Judge and JMFC,
Haliyal**