

KAUK510002482016



ORDERS ON I.A NO.27

The present application is filed by the plaintiffs under Order VII Rule 14(3) R/w Section 151 of C.P.C for condoning of delay in production of documents. The instant application is filed at the stage of further cross-examination of PW.2.

It is stated in the affidavit filed by the plaintiff No.2 in support of the instant application that, the proposed documents are relevant and material to decide the matter of controversy and prays to allow the application.

On the other hand, the defendants have filed objections wherein, it is contended that, the plaintiffs are having habit of filing applications after applications for production of documents and the same is not tenable. The defendants have partly cross-examined the PW.2 and the plaintiffs have already filed two similar applications earlier and once again, the present application is filed which is liable to be dismissed.

Heard on both side.

Though the instant application is filed at the stage of further cross-examination of PW.2 but, Court opines that, by compensating the defendants, the instant application could be allowed for taking the same on record would facilitate both the parties. On one side, the proposed documents would assist the plaintiffs to prove their case and on the other hand, the defendants could put material questions on the proposed documents in support of their defence.

Hence, the I.A No.27 filed by the plaintiffs under Order VII Rule 14(3) R/w Section 151 of C.P.C is hereby allowed on cost of Rs.250/-.

The list of documents as per list dated 09.01.2024 are taken on record.

**Civil Judge & JMFC.,
Haliyal.**

ORDERS ON I.A NO.28

The instant application is filed by the plaintiffs at the stage of further cross-examination of PW.2 under Section 151 of C.P.C to permit the plaintiffs to affix five photographs at Ex.P34 and P35 separately on paper sheets for separate identification and also the unexhibited photographs

in two separate sheeted covers with respective CDs on separate sheets for their separate and clear identification.

On the other hand, the defendants have filed a memo to treat objections filed to I.A No.27 by them as objections to the instant application and as such, it is necessary to look into the averments made in objections to I.A No.27 filed by the defendants.

The defendants have contended in the objections that, the plaintiffs are having habit of filing applications after applications for production of documents and the same is not tenable. The defendants have partly cross-examined the PW.2 and the plaintiffs have already filed two similar applications earlier and once again, the present application is filed which is liable to be dismissed.

Heard on both side.

The present application is filed to permit the plaintiffs to affix the photographs which is already marked on separate sheets for its clear identification and also to affix unexhibited photographs on separate sheets for clear identification. The process sought by the plaintiffs would assist the Court as well as parties for smooth proceedings.

Hence, I.A No.28 filed by the plaintiffs under Section 151 of C.P.C is hereby allowed on cost of Rs.250/-.

The plaintiffs are permitted to comply the process as sought in I.A No.28.

**Civil Judge & JMFC.,
Haliyal.**