

KAUK510004572025



Presented on : 20-03-2025

Registered on : 20-03-2025

Decided on : 28-11-2025

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

Dated this 28th day of November, 2025

PRESENT

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

ORIGINAL SUIT NO.40/2025

BETWEEN:

1. Mr. Suresh Honagekar S/o Pundallik Honagekar,
Aged about 31 years, Occ : Agriculturist,
R/o : Laxmigalli, Tergavon,
Tq: Haliyal, Dist: Karwar – 581239.

.....Plaintiff

(By Sri. N.S.S., Advocate)

AND:

1. Mr. Sanjay Benechekar S/o Gurunath
Benechekar,
Aged about 48 years, Occ: Agriculturist,
R/at: Tergavon, Tq: Haliyal,
Dist: Karwar – 581239.

....Defendant

(By Sri. SSK, Advocate)

I.A.No.IV

**Applicant/Plaintiff : Mr. Suresh Honagekar S/o
Pundallik Honagekar**

-Vs.-

**Opponent/Defendant: Mr. Sanjay Benechekar S/o
Gurunath Benechekar**

ORDER ON I.A.NO.IV

The plaintiff filed I.A No.IV under Order VII Rule 14(2) and (3) R/w Section 151 of C.P.C., praying to permit him to produce documents as per list in his favour in the interest of justice.

2. In the affidavit, the plaintiff stated that, he has not produced original documents at the time of filing the suit and now he received certified copies of documents from respective department as such, said documents are important to mark on his behalf. If the application is allowed, no hardship will be caused to the defendants, on the contrary, he will be put to great hardship. With these contentions, the plaintiff prayed to permit him to produce documents by condoning delay in the interest of justice.

3. The defendant filed objections to the application contending that, application is not maintainable for the reason that, the plaintiff with an intention to delay the proceedings and cause harassment to the defendant has filed this application. The plaintiff has not shown legal necessity or relevancy of said documents and the documents sought to be produced have no connection with the

matter in dispute. The plaintiff has no right to conduct roving enquiry which are not specifically referred in the pleadings. The plaintiff has not disclosed how said documents are material or necessary for the just decision of the case. The plaintiff filed this application to abuse process of law. With these contentions, the defendant prayed to reject the application.

4. Heard both counsel. Perused the records.

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

1. Whether plaintiff has made out grounds to permit him to produce documents?

2. What order?

6. 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

7. **POINT NO.1:-** The plaintiff filed this suit for the relief of permanent injunction and now the case is at the stage of plaintiff's evidence and plaintiff filed this application along with documents praying to permit him to produce said documents in support of his case. The defendant strongly objected to the application contending that, the plaintiff has not stated the relevancy of said

documents. Further, the documents sought to be produced are not material to decide the case on hand.

8. Perused the entire records, while filing this suit plaintiff produced copy of some documents and now he is producing originals of said documents. Under these circumstances, the defendant will not be put to surprise with regard to the documents. Whether the documents produced by the plaintiff are material or not, relevant to the case on hand or not, has to be looked into at the time of appreciation of evidence. At this stage, the Court has to consider whether delay in producing the documents has to be condoned or not. Therefore, at this stage, in order to provide fair opportunity to the plaintiff to prove his case, delay has to be condoned and he has to be permitted to produce the documents. Under these circumstances, plaintiff has made out grounds to allow the application. Hence, **I answer Point No.1 in the Affirmative.**

9. 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.IV filed by the plaintiff under Order VII Rule 14(2) and (3) R/w Section 151 of C.P.C., is hereby allowed.

The documents produced by the plaintiff are taken on record.

No order as to costs.

For further chief of PW.1.

(Dictated to the Stenographer, transcribed and typed by her, then corrected, signed and pronounced by me in the Open Court on this the **28^h day November, 2025**)

Sd/-

(Geeta)
Civil Judge and JMFC,
Haliyal