

Case called out.

Both Counsels are present.

**ORDERS ON I.A. NO. VI**

In this case, the defendant has filed I.A.No. VI under Order 8 Rules 1-A of CPC seeking for condone in production of document and for the permission to bring the said document into the record of the court.

2. The application is annexed with the affidavit of the defendant, wherein she has contended that there is delay in producing the document. But the delay is not intentional one. Those documents are very much necessary to prove her defence. Therefore, she has filed this application.

3. On the contrary, the advocate for the plaintiff has filed objection contending that the application is false and not maintainable. The documents are not necessary to this suit and those documents are not necessary in order to decide this case. Hence, he sought for dismissal of the application.

4. I have heard the arguments of learned advocate for the defendant and learned advocate for the plaintiff.

5. The point which arises for my consideration is as follows:

1. Whether the applicant made out grounds to allow his application?

6. My answer to the above point is in the **affirmative**, for the following:

### **REASONS**

7. **Point No.1:** In this case the applicant/defendant contended that to prove her contentions, the production of the documents mentioned in the application is required. As there is delay in producing the said documents, she has filed this application. On the contrary, the learned advocate for the plaintiff has contended that there is inordinate delay in filing the documents and those documents are not necessary to the suit and those documents are created. Hence, prayed to reject the application.

8. I have perused the application, objection and documents.

9. In this case, when the case was posted for plaintiff's evidence, this application is filed. For that the learned advocate for the plaintiff has filed his objection. In his objection, he contended that there is inordinate delay in producing the documents and to surprise the plaintiff, the defendant has filed these documents at this stage. However, the plaintiff has an opportunity to cross examine the witness and he can question the admissibility and genuineness of the said documents at the time of cross examination of the witness. Of course there is delay in filing the said documents, but that delay can be condone by imposing proper cost. If the present application is dismissed, it will cause injustice to the applicant. Hence, I have answered point No.1 in the **affirmative** and proceed to pass the following:

**ORDER**

I.A. No. VI filed by the applicant is hereby allowed subjected to payment of cost of Rs. 300/-.

The cost must be paid to the plaintiff.