

The plaintiff has filed an application under Order VII Rule 14(3) and Section 151 of CPC and prays the court to condone the delay in producing the documents. It is stated in the affidavit that the documents sought to be produced are material documents for the proper adjudication of the case. The documents produced by him are Caveat petition and RPAD covers and marking of those documents is very much necessary to prove his contentions. They are traced yesterday. Accordingly, prayed to allow the application.

2. The defendants have filed objections contending that the plaintiff has not shown sufficient cause to condone the delay in producing the documents. The frame of application is not correct and not in accordance with law. The documents sought to be produced legally not at all admissible in evidence and cannot be legally be received in evidence. The first defendant denied the truth, genuineness and due execution and combined the nature of the suit documents.

3. I have heard both the sides and perused the records.

4. The documents now sought to be produced appeared to be relevant for the effective adjudication of the issues involved in the suit. Most of the documents are Caveat

petitions, RPAD covers and notice. The delay is neither deliberate nor intentional. The reasons assigned by the plaintiff constitute a sufficient cause. If delay is not condoned, it would cause serious prejudice to the plaintiff. Whereas no irreparable loss or injury caused to the defendants. The defendants still have an opportunity to challenge the documents during the time of the evidence.

5. It is well settled that the procedural law is intended to advance the justice and not to adopt the strict procedure. Therefore, in the interest of the justice, the delay deserves to be condoned. Accordingly, I proceed to pass the following:

ORDER

The application filed by the plaintiff under Order VII Rule 14(3) and Section 151 of CPC is hereby allowed.

In the result the documents are taken on record.

Prl.Sr. C.J. & CJM, Udupi

For further chief of PW1 by

