

ORDERS ON I.A.NO.VII

Learned counsel for plaintiffs filed IA.No.VII under Order VII Rule 14(3) and Section 151 of CPC and requested to receive documents by condoning the delay.

2. In the memorandum of facts, the learned counsel for plaintiffs stated that, at the time of institution of suit plaintiffs submitted the copies of documents which sought to be produced. Plaintiff obtained the certified copies of the documents and produced the same. Learned counsel requested to allow the application.

3. In the objection, learned counsel for defendant no.2 to 7 contented that, the application itself is not in accordance with the rules of civil rules of practice. The documents which sought to produce are irrelevant documents. The plaintiffs failed to give the proper reasons to condone the delay. The learned counsel requested to reject the application.

4. On plain readings of application and objection it clears that plaintiffs are intending to produce the documents in later stage. The learned counsel for plaintiffs contended that, plaintiffs obtained the certified copies and produced the same before the court. On the other hand, the counsel for defendant no.2 to 7 contented that, the documents which sought to be produce are irrelevant documents. This suit was filed by the plaintiffs by claiming the relief of

partition. The burden of proof lies on the plaintiff, plaintiff must establish the existence of claimed property. Plaintiffs are intending to produce the certified copies of sale deeds, deed of partition, deed of release, Form no.7. The documents which sought to produce are relevant documents in a suit for partition. On the ground of delay only if the application is rejected it will cause loss to the plaintiff. In the interest of justice it is necessary to receive the documents by condoning the delay. Hence pass the following:

ORDER

I.A.No.VII filed by the learned counsel for plaintiffs is hereby allowed on cost of Rs.200/-

Consequently received the documents by condoning the delay.

Further chief evidence of PW1 by
25.09.2024

Prl.Sr. Civil Judge & C.J.M.,
Udupi.