

ORDERS ON I.A.NO.XVI

Defendant No.4 filed the I.A.No.XVI under Order VIII rule 1A of C.P.C. and requested to receive the documents by condoning the delay. In the affidavit defendant No.4 namely Raghuveera A.Suvarna stated that, the documents which are sought to produce are very much necessary to prove his case. The delay in filing the documents is not intentional one and requested to consider the application.

Plaintiffs contended in the objection that, the documents which are sought to produce are not relevant

documents. The documents are created documents. If plaintiffs requested to reject the application.

The contention of defendant No.4 is, the documents which are sought to produce are relevant documents. The contention of plaintiffs is, the documents are not relevant documents and created documents. At this moment the court need not to go into discuss about the genuinity of the documents and also relevancy of documents. This suit is filed by the plaintiffs for the relief of declaration and permanent injunction. Defendants denied the averments of plaintiff. Such being the case, defendants shall disprove the case of plaintiffs by oral and documentary evidence. The defendant No.4 is intended to produce certified copies of Land Tribunal proceedings. If the defendant No.4 is permitted to produce document it will not cause loss to the plaintiffs. Plaintiffs will get an opportunity to cross - examination on documents. Hence, pass the following;

ORDER

I.A.No.XVI filed under Order VIII
Rule 1A of C.P.C. by the defendant No.4 is
hereby allowed on cost of Rs.200/-.

Consequently, receive the
documents by condoning the delay.

ORDERS ON I.A.NO.XVII

Defendant No.4 filed the I.A.No.XVII under Order XVI
Rule 6 and section 151 of C.P.C. and requested to direct
the person noted in the application to submit the Will
dated 26-12-1972.

2. Plaintiffs filed the objection.

3. Heard, perused the papers. Following points
are taken to adjudicate the application.

1. Whether defendant No.4 has made out the
grounds to consider the application?

2. What Order?

4. Above points are answered as under;

Point No.1 : In the negative.

Point No.2 : As per final order

for the following;

REASONS

Point No.1 :

5. At the outset plaintiffs filed the suit by claiming the reliefs of declaration and permanent injunction. Defendant No.4 filed the affidavit in support of application and stated that original Will executed by the Yellu Suvarna which is the custody of the person noted in the application. The document is very much necessary to prove his case. To prove all the materials, allow the application is required. On the other hand, plaintiffs contended that, defendant No.4 had already filed an application to implead the person noted in the application, the same was dismissed by this court. The plaintiffs denied the other statements of defendant No.4. The person noted in the application is a stranger.

6. Defendant No.4 contended that, original Will executed by the Yellu Suvarna is in the custody of the person noted in the application. Plaintiffs contended that, the person noted in the application is a stranger. Defendant No.4 did not state that, what is the relationship between the Yellu Suvarna and person noted in the application. Defendant No.4 did not state that, on which date, on what circumstance, for what purpose the original Will has been in keeping in the person noted in the application. The defendant No.4 did not state that why the original Will is necessary to prove his defence. The plaintiffs contended that the defendants made an effort to implead the person noted in the application, the same was dismissed. The defendant No.4 keep silent about this contention of plaintiffs. On 11-01-2024 this court passed the order on I.A.No.XV and rejected the application. For these reasons the opinion of the court the defendant No.4 did not made out an acceptable grounds to allow the

application. As such, answered **point No.1 in the negative.**

Point No.2:

7. In view of the above discussion pass the following;

ORDER

I.A.No.XVII filed under Order XVI

Rule 6 and section 151 of C.P.C. is hereby dismissed on cost of Rs.200/-.

Further chief evidence of D.W.1.