

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND ACJM,
KARKALA**

Present: Smt.Sharmila C.S., B.A.L., LL.M.,
Senior Civil Judge and ACJM, Karkala.

Dated: This the 26th day of September, 2025

O.S.No.36/2021

Smt. Shakunthala and others.

..Plaintiffs

Versus -

Smt. Laxmi V. Shetty and others

..Defendants

PARTIES TO I.A.NO.13

Veena S. Shetty and others

.. Applicants/
Plaintiffs No.2 to 6.

- Vs. -

Smt. Shakunthala

.. Opponent/ plaintiff No.1

i.	Provision under which the application is filed	Order VII Rule 14 and Section 151 of CPC
ii.	Relief sought for	To receive the documents by condoning delay
iii	The date on which the application is filed	08-09-2025
iv	Number of the application	I.A.No.13
v	The date on which the objections are filed by different opponents	11-09-2025
vi	The date on which the orders were passed on the said application.	26-09-2025

ORDER ON I.A.NO.13 FILED UNDER ORDER VII RULE 14 AND

SECTION 151 OF C.P.C

Application is filed by the plaintiffs No.2 to 6 seeking condonation of delay in producing the documents.

2. The 1st applicant deposes that she was transposed as 1st plaintiff recently and is producing the documents and prays to allow the application.

3. Per contra counsel for plaintiff No.1 objects that the documents are neither relevant nor material and the delay is not properly explained and prays to dismiss the application.

4. Heard from the counsels for plaintiffs No. 1 to 5

5. The following point arise for my determination.

“Whether the documents needs to be received by condoning the delay ?”

6. My answer to the above point is “in affirmative”, for the following

REASONS

7. This is a suit for partition of plaint schedule properties, where the plaintiff No.1 did not come forward to lead the evidence.

However, defendants No.2 to 6 got themselves transposed as plaintiffs No.2 to 6, where the deponent/applicant No.1, is examined as P.W.1 and is the 2nd plaintiff in the suit. However she has deposed at the first instance that she is the plaintiff No.1, which is not sustainable under the law.

8. Keeping the above matter aside, whether the P.W.1 has made out sufficient grounds to condone the delay is to be seen, where she submits that she has been transposed as plaintiff and today is producing the record of rights. Further submits that the documents are just and necessary. Apart from the above, there is no reason assigned by the applicant No.1 in order to condone the delay in production of the documents. Even though she has been transposed as plaintiff No.2 from defendant No.6, it was her bounden duty to produce the documents atleast prior to leading the evidence. Therefore there is no proper reason made out by the applicant/P.W.1. However the documents are R.T.C. extracts which might prove the case of the plaintiffs, which is for partition of the properties. The relevancy of the documents as objected by the counsel for the 1st plaintiff can be seen at a later stage. At this stage though proper reason is not assigned to condone the delay, the same may be

considered by this court. Thus only in the interest of justice and equity, the documents are to be taken on record and the delay in production of the documents needs to be condoned. Accordingly the above point is answered in affirmative.

9. In view of the above reasoning, I proceed to pass the following :

ORDER

I.A.No.13 filed by the applicants/plaintiffs No.2 to 6 under Order VII Rule 14 and Section 151 of CPC is herewith allowed .

The delay in producing the documents is condoned and the documents are taken on record.

(Dictated to the Stenographer, transcribed by her, corrected and then pronounced by me in Open Court on this the 26th day of September, 2025.)

(SHARMILA C.S.)
Senior Civil Judge & ACJM, Karkala.