

**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 8th day of April, 2026.

O.S.No.92/2023

Mr. Santhosh Kumar Shetty	- Vs -	.. Plaintiff
Sri. Chandrashekhara Acharya		..Defendant

PARTIES TO I.A.No.8

Sri. Chandrashekhara Acharya	-Vs. -	.. Applicant/defendant
Mr. Santhosh Kumar Shetty		.. Opponent/plaintiff

i)	Provision under which the application is filed	Order VIII Rule 1-A(3) and Section 151 of CPC
ii.	Relief sought for	To receive documents by condoning the delay
iii	The date on which the application is filed	23-02-2026
iv	Number of the application	IA No.8
v	The date on which the objections are filed by different opponents	16-03-2026
vi	The date on which the orders were passed on the said application.	08-04-2026

**ORDERS ON I.A.NO. 8 UNDER VIII RULE 1A(3) AND SECTION
151 OF C.P.C.**

Application is filed by the defendant seeking condonation of delay in production of the documents.

2. In the memo of facts, it is stated that the documents produced along with the application is very much necessary to support the genuineness of the case. But the delay in filing of the documents is neither deliberate nor intentional and accordingly prays to allow the I.A.

3. The counsel for the plaintiff objects, that the documents are neither relevant nor material and for other reasons have sought for dismissal of the IA.

4. Heard from the counsel for the plaintiff and the counsel for the defendant.

5. The following point arises for my determination:

“Whether there are sufficient grounds made out in order to condone the delay in production of the documents?”

6. My answer is in the affirmative for the following

REASONS

7. This application is filed by the defendant when the case was posted for chief examination of the defendant. By this application, the counsel for the defendant is seeking condonation of delay In production of documents.

8. In the memorandum of facts, the counsel for the defendant submits that the plaintiff and the defendant orally have cancelled the contract i.e. the second sale agreement. That the defendant was entitled to the damages money from the plaintiff. That due to enormous pressure of the plaintiff and his henchmen, the defendant agreed to repay the whole of the money of ₹ 5,50,000/- to the plaintiff. In this regard the defendant was asked to give a bearer cheque by filing the Amount of ₹ 5,50,000/- to the plaintiff. It was agreed that the plaintiff would hand over the original sale agreements and the land records to the defendant and later the defendant shall maintain the requisite funds in the cheque related bank account to honour the cheque. That the plaintiff did not return the land records and the original sale agreements and misused the aforementioned cheque, by presenting it through one Amarnatha Shetty. That one Amarnath Shetty, who has filled the cheque, has misused the cheque and has filed a complaint before the Court of Tirthahalli against the present defendant. That this defendant also has filed a complaint against the notorious plaintiff and Amarnath Shetty, before the Hebri Police Station, Hebri. Thus the documents pertaining to the said CC is being produced and that the delay in filing of the documents is

neither deliberate nor intentional. Accordingly has sought for allowing the IA.

9. The main objection of the counsel for the plaintiff is that the defendant has earlier never stated about the issuance of the cheque. There is no connection in between the documents which are to be produced before this court and to the facts and circumstances of the case. Thus submits that the documents are not relevant and has sought for dismissal of the I.A. At this stage, the court only has to see whether the delay in production of the documents can be condoned or not and whether there are proper reasons made out by the defendant. The validity of the said documents can be considered at the time of passing of the Judgment. Whatever is the objections raised by the counsel for the plaintiff can be considered at the time of marking of the documents. It is also to be stated that mere marking of the documents itself is not the proof of the documents. Apart from producing those documents, there is also burden upon the defendant to prove the connectivity and the relativity of the documents with that of the present case. The documents needs to be taken on record , where the evidentiary value of the said documents can be considered at the time of passing of the judgment.

10. There was also the burden upon the defendant to show that why the said documents were not produced earlier. But apart from stating that the documents are necessary and that the delay is neither deliberate nor intentional, the defendant has not stated as to why those documents were not produced earlier. It appears that the documents are the certified copies obtained from the CC No. 69 of 2024 on the file of the Civil Judge and JMFC, Thirthahalli. Thus when they are the certified copies of the documents, and are the documents which are already produced before the court, the delay needs to be condoned. Thus holding that there are some grounds made out in order to condone the delay, the above point is answered in affirmative.

11. In view of the above said reasoning the following:-

ORDER

I.A No. 8 filed by the defendant under Order VIII Rule 1 -A(3) and Section 151 of CPC is herewith allowed with cost of ₹ 300/-.

The delay in production of the documents is condoned.

For defendant's evidence. Call on .

(Dictated to the AI Adalath , corrected and pronounced by me in open court
on this the 8th day of April, 2026.)

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