

06.02.2026
OS No. 74/2019

Parties are absent. Heard Sri.HBRK for Plaintiff on his Reply to the IA No. 19 of the Defendant No. 1.

The IA No. 19 dated 15.11.2025 is filed by the Defendant No. 1 by seeking permission to Examine her GPA Holder and to mark Documents through her GPA.

The Plaintiff's Counsel has filed his detailed Objections to the IA No.19.

The IA No. 19 is filed under Order 8, Rule 1(a) read with Section 151 of CPC seeking permission to produce and mark Documents in the Evidence of the Defendant No.1.

In the Affidavit annexed to the IA No.19, the GPA Holder has contended that, *due to oversight, the Proposed Documents were not produced at the Time of filing of the Written Statement of the Defendant No.1 and they were Secured now and therefore, he seeks permission to produce and mark them.*

In the Objections, the Plaintiff has contended that, *the IA No. 19 is liable to be Dismissed for the reason of Non Compliance of Orders of this Court on IA No. 16 dated 17.10.2025.*

The perusal of the Documents submitted by the Defendant No. 1 show that, she intends to produce and mark unregistered Partition Deed, Registered Will, Death Certificate, RTC Extracts, Xerox Copy of the Sale Agreement and other documents.

Therefore, **Subject to admissibility and Payment of Stamp Duty and Penalty, the unregistered Documents could be marked and in respect of the Registered Will is concerned, they could be marked as per the provisions of the Indian Evidence Act in marking the Will.**

Therefore, **the IA No. 19 of the GPA Holder of Defendant No. 1 is allowed on Costs of ₹1,000/- Subject to above Conditions typed in bold in this Order.**

Call on for Evidence of the Defendants by 07.03.2026.

**Itinerary
Senior Civil Judge
Hoovinahadagali.**