

**IN THE COURT OF CIVIL JUDGE & JMFC, HARAPANAHALLI**

**Present: SMT. SHOBHA B.G., M.A., LL.B.,**  
Civil Judge & JMFC, Harapanahalli.

**Dated :** This the day of 13<sup>th</sup> March, 2018.

**O.S. NO.262/2012**

**Plaintiff/s :** Sudugadappara Halappa

**(Rept., by Sri P.J.G., Advocate)**

**-V/s-**

**Defendant/s :** Anajigere Kariyappa and others

**(Rept., by Sri. T.V.S. & M.S.B., Advocate)**

**I.A. No.IX**

Applicant/s : Challeri Siddappa

**V/s**

Respondent/s : Sudugadappara Halappa

**ORDERS ON IA.NO.IX**

This is an application filed by the defendant No.3 U/O. 8 Rule 1(A), 2 R/w Sec.151 of CPC seeking permission to produce documents.

2. The said application is accompanied with an affidavit sworn by the defendant No.3 wherein he stated that he is intending to produce documents as he has filed written statement. If he is

permitted to produce documents no prejudice would be caused to the plaintiff. Hence prayed to allow the application.

3. The said application has been resisted by the plaintiff by filing his objection wherein he contended that the application is not maintainable either in law or facts. Further he contended that the averments made in the affidavit are all false and baseless and defendant No.3 has not shown any reasonable cause for condoning the delay in filing the documents. The defendant No.3 has filed this application with malafide intention to protract the litigation by one or the other reasons with intent to vex and harassing the old aged plaintiff. Hence prayed to reject the application.

4. Heard the arguments. Perused the rival contention of the parties.

5. On the basis of the above facts, the following points that arise for my determination are;

1. Whether the defendant made out sufficient ground to allow the applications ?

2. What order ?

6. My answer to the above points is;

**Point No.1 : In the Affirmative;**

**Point No.2: As per the final order,  
for the following;**

**REASONS**

**7. Point No.1:-** On perusal of contention urged by both parties it appears that the plaintiff has filed this suit for the relief of declaration of title and consequential relief of permanent injunction. The present application is filed by the defendant No.3 seeking permission to file list of documents. According to the plaintiff the application is not maintainable either in law or facts. Further he contended that the averments made in the affidavit are all false and baseless and defendant No.3 has not shown any reasonable cause in condoning the delay in filing the documents. However it is true that the defendant No.3 has filed this application after laps of more than 6 years. When the defendant No.3 denied title of the plaintiff over the suit schedule property the onus of proof lies on him to prove the same. When he permitted to file written statement an opportunity has to be given to him to produce documents. If he is permitted no prejudice would be caused to the plaintiff. Infact it will helpful to adjudicate the matter effectively. No doubt there is a delay caused in

filing of list of documents. Mere delay is not a ground to reject the application. The delay may be compensated by imposing costs. In view of above discussion this court is of the opinion that the application filed by the defendant No.3 is deserves to be allowed. Accordingly point No.1 is answered in the ***affirmative***.

8. Point No.2:- For the above discussion, I proceed to pass the following;

**ORDER**

**IA. No.IX filed by the defendant No.3 U/O.8**

**Rule 1(A) R/w Sec.151 of CPC is hereby allowed on  
payment of cost of Rs.200/-.**

**Defendant No.3 is permitted to file list of  
documents.**

*(Dictated to the stenographer directly on computer, revised, corrected and then pronounced by me in the open Court on this the **13<sup>th</sup> day of March, 2019**)*

**(B.G.SHOBHA)**  
Civil Judge & JMFC.,  
Harapanahalli.

(Order pronounced in the open court  
vide separate)

**ORDER**

**I.A. No. I filed by the defendant  
U/s.151 of CPC are hereby allowed  
on payment of cost of Rs.300/-.**

**Defendant is permitted to file  
their written statement.**

Civil Judge & JMFC.,  
Harapanahalli.

For payment of cost and written  
statement of defendant by:  
23.08.2018.

Civil Judge & JMFC.,  
Harapanahalli.