

## **ORDERS**

I.A.No.XI filed by the defendant No.1  
U/Order 8 Rule 1(a) R/w Section 151 of CPC.,  
requesting the court to permit him to produce the  
documents by condoning the delay in the interest  
of justice.

In the accompanying affidavit it is stated that, the plaintiff has filed suit for relief of permanent injunction against the defendant in respect of the suit schedule property. At the time of filing written statement, he has not produced certain documents as the said certified document could not traced out well within time. Now he intends to produce the documents. If the application is not allowed he will be put to great hardship. On the other hand, no hardship will be caused to other side. Hence, prayed to allow the application.

The above application is objected by plaintiff on the ground that, the application is not maintainable either in law or on facts as such liable to be rejected. It is denied that the defendant No.1 at the time of filing written statement, he has not produced certain documents as the said certified document could not traced out well within time. The defendant with malafide intention to protract the litigation by one or other reasons with intent to vex harassing the plaintiff. Hence, prayed to reject the application.

Heard the arguments of both the sides.

On the basis of the above facts, the following points that arise for my consideration are:

1. Whether the plaintiff has made out

sufficient grounds to allow the application?.

2. What order?

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**

On perusal of contention urged by both parties, it could be seen that this suit is filed for the relief of declaration and permanent injunction against the defendants. When the case is set down for cross of PW-1, the defendant No.3 has come up with this application seeking permission to produce the documents.

On careful perusal of material available on record it appears that, the defendant No.3 has clearly stated that the documents produced by him are necessary to prove his defense before the court. The plaintiff has got every opportunity to cross examine the defendant No.3 in respect of said documents. In case if defendant No.3 is not permitted to produce the documents as prayed him then, the same will leads to multiplicity of proceedings and miscarriage of justice. At this stage, the defendant No.3 has made out grounds to allow the application. Taking into consideration of bonafide reasons as mentioned in the application filed in support of application so also

relevant documents with the dispute involved in the suit, if application is allowed no hardship will be caused to other side. Mere production of document is not proof of the same. **Accordingly, I answered point No.1 is Affirmative.**

Point No.2:- Hence, I proceed to pass the following :

**ORDER**

I.A.No.XI filed by defendant No.3 hereby allowed on cost of Rs.300/-.

The documents produced by the defendant No.3 is taken record.

For defendant's evidence.

Call on: 07.08.2023.

Civil Judge and JMFC  
Harapanahalli.