

I.A.No.6/2022 in I.A.No. 3/2022 in OS No.33/2018

17.04.2024

Orders Pronounced:

Heard both sides. Perused the records.

This is a Petition filed by the Petitioner/ proposed 5th defendant to condone the delay in producing the documents and to receive the documents.

The contention of the petitioner is that the present document is necessary in order to show that the suit properties are not belonging to 1st defendant's father, it is necessary to produce the decree and judgment passed in A.S.No.57/1981 in which it has been held that 1st defendant's father has no right and as such it is necessary to produce the same.

On the other hand, the 1st Respondent/plaintiff objected the Petition on the ground that the petition is belated one.

Admittedly, the Petitioners/defendants has filed this petition at the stage of Respondent side enquiry in I.A.No.3/2022. This is only a Petition to condone the delay and to receive the documents. It is well settled law that a party can produce documents at any stage of the suit with the leave of the court. The enquiry is not yet completed. Hence, it can not be stated that it is belated one. Admissibility and merits of the document can not be decided in this petition.

In K. Kasturi and Other

vs

C. Mohan and Others

reported in 2006 (4) MLJ 1061=2007 (1) LW 560, it has been held that

“Therefore, in view of the provisions contained in Order VII Rule 14 (3) of the Code of Civil Procedure, as amended by Act 22 of 2002, the respondents were entitled to file the documents in question, with the leave of the Court, which is what they have done in this case. The power of the Court to grant leave for a plaintiff to file additional documents under Order VII Rule 14 (3) is not even

circumscribed by words such as "good cause" that were found in Order XIII Rule 2 before Amendment.”

From the above decisions, it is clear that as per the amended CPC a party can produce the document even at a later stage with the leave of the court before conclusion of arguments. Here in this case, the case is at the stage of respondent side enquiry and arguments is not yet concluded.

Hence in the interest of justice and in order to give one more opportunity to the petitioner, this court is of the view that the petition can be allowed and the documents can be received subject to proof and relevancy.

In the result this petition is allowed. No cost.

Sub Judge
Eraniel