

**IN THE COURT OF V ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE AT BENGALURU**

Dated this the 8th day of October 2025

Present : **SRI.VEDAMOORTHY B.S.**, B.A.(L.), LL.B.,
XXXI Addl. City Civil & Sessions Judge, Bengaluru (CCH-14)
C/c V Addl. City Civil & Sessions Judge, Bengaluru (CCH-13)

O.S.No.625/2017

PLAINTIFFS : Smt.Nirmala & others.

V/s

DEFENDANTS : Sri.K.Muniraju & others.

i.	Provision under which the application is filed	Order XI Rule 12 and 14 R/w Sections 30 and 151 of the Code of the Civil Procedure.
ii.	Relief sought for	To issue summons to the witnesses to produce the documents.
iii.	The date on which the application is filed	19.09.2024
iv.	Number of the application	I.A.No.X
v.	The date on which the objections are filed by different opponents	24.10.2024
vi.	The date on which the orders were passed on the said application	08.10.2025

ORDERS ON I.A.No.X

The plaintiffs have filed I.A.No.X under Order XI Rule 12 and 14 R/w Sections 30 and 151 of the Code of Civil

Procedure seeking an order to issue summons to the Tahsildar of Bengaluru South Taluk and Krishnarajapuram to produce the following documents :-

1. The copy of Beneficiary name or Allottee name of Site No.102, carved out from Sy.No.73, Horamavu Village, Bangaloor South Taluk, Bangalore issued through Hakku Pathra on Wednesday, September 1972, as per the Government order No.D.P.C.15 D.R.H dated 13.05.1972.
2. The copy of Hakku Pathra for Site No.102, carved out from Sy.No.73, Horamavu Village, Bangaloor South Taluk, Bangalore issued through Hakku Pathra on Wednesday, September 1972, as per the Government order No.D.P.C.15 D.R.H dated 13.05.1972.

2. In support of I.A.No.X, the 3rd plaintiff has filed her affidavit. She has also filed a separate affidavit and Memo along with the copies of the documents.

3. The learned Counsel for defendant No.4(c) has filed objections to I.A.No.X praying to dismiss I.A.No.X.

4. The learned Counsel for the plaintiffs has filed written arguments on I.A.No.X. The learned Counsel for the plaintiffs has relied the following judgments :-

- i. The judgment of the Hon'ble Supreme Court in the case between Maria Margarida Sequeira Fernandes & others V/s Erasmo Jack DE Sequeira (Dead) through LRs [(2015) 5 SCC 370].
- ii. The judgment of the Hon'ble Supreme Court in the case between State of Assam V/s Union of India & others (AIR 2018 SC 3446).
- iii. The judgment of the Hon'ble High Court of Karnataka in the case between Ms/ Saibaba Industries, Bengaluru V/s M/s Remi Sales & Engineering Ltd., Bengaluru [(2018) 1 AKR 724].
- iv. The order of the Hon'ble High Court of Karnataka in the case between M/s J.L.Builders & another V/s Canara Bank (ILR 2002 KAR 3591).
- vi. The judgment of the Hon'ble Supreme Court in the case between Salem Advocate Bar Association Tamil Nadu V/s Union of India (AIR 2005 SC 3353).

- vii. The judgment of the Hon'ble Supreme Court in the case between Union of India V/s Ibrahim Uddin & another [(2012) 8 SCC 148].
- viii. The judgment of the Punjab & Harihayana High Court in the case between Harcharan Singh V/s State of Punjab & others (AIR 1984 P&H 382).

5. Heard the arguments of the learned Counsel for defendant No.4(c) on I.A.No.X. Perused the materials available on record.

6. The following point that has been arisen for my consideration:

Whether the plaintiffs have shown sufficient reasons to issue summons to the Thasildar of Bengaluru South Taluk and Krishnarajapuram Taluk to produce the documents as prayed in I.A.No.X ? If so, what order?

7. My answer to the above point is in the Affirmative for the following:

REASONS

8. The plaintiffs have filed this suit against the defendants for the declaration of their title on the suit schedule property, declaratory relief, recovery of possession of the suit schedule property from the 4th defendant, mesne profits and consequential relief of permanent injunction. Defendant No.4(c) filed her written statement. The issues are framed. The plaintiffs have produced their oral and documentary evidences. Defendant No.4(c) has also produced her oral and documentary evidences. When, the case is posted for further cross-examination of DW1, the plaintiffs have filed the present application.

9. The documents sought to be summoned from the Tahsildar of Bengaluru South Taluk and Krishnarajapuram Taluk are the copies of the Hakku Pathra and beneficiary name or the name of the allottee of site No.102 carved in Sy.No.73 of Horamavu Village, Bengaluru South Taluk. No doubt, the said documents are public documents and the certified copies of the said documents can be produced by the plaintiffs before this

Court by obtaining the same from the concerned office. It appears from the affidavit and copies of the documents annexed to the said affidavit filed by the 3rd plaintiff, it appears that the 3rd plaintiff is already applied for the said documents through the Right to Information Act and there was no positive reply from the said authority.

10. I read the pleadings of the plaintiffs and defendant No.4(c). The subject matter of the suit is site No.102 situated at Jayanthi Nagara Village, Horamavu Village, K.R.Puram Hobli, Bengaluru. As per the pleadings of the plaintiffs, one Krishnappa acquired the suit schedule property through Hakku Pathra issued in the year 1972; he sold it to the mother of the plaintiffs by name K.Mary through his General Power of Attorney Holder Dr.H.C.Gajendra. The plaintiffs have produced the original of the said Hakku Pathra as Ex.P8. The defence set up by defendant No.4(c) in her written statement is that the suit schedule property was acquired by the 1st defendant K.Muniraju through Hakku Pathra issued by the then Mysuru Government in the year 1972; he sold it to the 3rd

defendant through registered Sale Deed dated 27.06.2008; the 4th defendant purchased the said site from the 3rd defendant through registered Sale Deed dated 19.01.2012 and the 4th defendant executed a registered Gift Deed in respect of the said property in favour of defendant No.4(c) through registered Gift Deed dated 27.01.2016. Defendant No.4(c) has produced the original Hakku Pathra as Ex.D7. Through the above pleadings and the documents, both the plaintiffs and defendant No.4(c) are claiming their independent title over the same property.

11. Prima-facie it appears from Ex.P8 that the Tahsildar of Bengaluru South Taluk issued Hakku Pathra to one Krishnappa in the month of September 1972 in respect of site No.102 measuring 50 X 30 feet and the said site number is corrected through a over writing with different ink. There is no mention of the boundaries to the said sites and site number is also not mentioned in the schedule portion of the said document. The very same Tahsildar of Bengaluru South Taluk issued Ex.D7 in respect of site No.102 on the very same September 1972 by mentioning

the site number and boundaries in the schedule portion of the said document. The handwriting and the seals affixed to the said two documents are also different. The printed form of the said Hakku Pathra are also different. Therefore, in order to find out the truth with regard to the genuineness of the documents, the summoning of the records with regard to the copies of Hakku Pathra and the register containing the names of beneficiary or allottee of site No.102 of Horamavu Village, Bengaluru South Taluk are the relevant and required documents.

12. I read the judgments relied by the learned Counsel for the plaintiffs in which, the Hon'ble Supreme Court and the High Courts held that in order to discover and to ascertain the truth, the Court should recourse its power under Section 30 and Order 11 of the Code of Civil Procedure. For the above reasons, the plaintiffs have shown sufficient reasons to issue summons to the Thasildar of Bengaluru South Taluk and Krishnarajapuram Taluk to produce the documents as prayed in I.A.No.X. Hence, I answer the

above point in the Affirmative. In the result, I proceed to pass the following :

ORDERS

I.A.No.X filed by the plaintiffs under Order XI Rule 12 and 14 R/w Sections 30 and 151 of the Code of the Civil Procedure is hereby allowed.

Issue summons to the Tahsildar of Bengaluru South Taluk and Krishnarajapuram Taluk to produce the copies of Hakku Pathra and register containing the names of beneficiary or allottee name of Site No.102, carved out from Sy.No.73, Horamavu Village, Bangalor South Taluk, Bangalore issued through Hakku Pathra on Tuesday, September 1972 as per the Government order No.D.P.C.15 D.R.H dated 13.05.1972 if process is furnished.

No order as to cost.

(Typed by the stenographer in Court Computer on my direct dictation, printout taken, corrected and then pronounced by me in the open court today on this the 8th day of October 2025).

(VEDAMOORTHY B.S.)

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.

C/c V Addl. City Civil & Sessions Judge,
Bengaluru.