

KABG040011932021



05.11.2025

O.S.No.697/2021

**ORDERS ON I.A.NO.III FILED U/O.XI RULE
14 R/W. SEC.151 OF C.P.C.**

The counsel for plaintiff has filed application U/O.XI Rule 14 R/w. Sec.151 of C.P.C., seeking production of document i.e., the original sale deed dated 15.10.1987 registered before Sub-Registrar, Belagavi in respect of suit schedule property, as listed in the application, from the defendant No.1.

2. In the affidavit annexed to the application, it is stated that the present plaintiff is the Member/Vice Chairman of the plaintiff society and the main object of the society is to purchase land, convert the same for residential purpose and to allot and sell the plots to needy members of the society. That in the first week of December 2020, the defendant No.3 illegally

trespassed over the suit property and fixed his name board over the suit property and on enquiry, the plaintiff society came to know about illegal alienation of suit property by defendant No.1 in favour of defendant No.2 through registered sale deed dated 13.07.2005. On further enquiry, the plaintiff society came to know about subsequent registered sale deed executed by defendant No.2 in favour of defendant No.3 on 29.02.2012. That the plaintiff immediately applied for certified copies of said sale deeds and he came to know about the mention of alleged sale deed dated 15.10.1987 on perusal of the sale deed dated 13.07.2005. When it was applied for certified copy of the sale deed dated 15.10.1987 before Sub-Registrar, it was surprising to see that there was no such document at all. As such, the said document based on which the two sale deeds have come into existence as aforesaid, is very much necessary in the present case and defendant No.1 should be called upon to produce the

same. On these grounds, the plaintiff has prayed to allow the application.

3. Despite sufficient opportunity being given, defendants have not filed objection to the said application.

4. Heard the counsel appearing for plaintiff.

5. The following points arise for my consideration :

1) *Whether the plaintiff has made out grounds to allow this application?*

2) *What order?*

6. My answer to above points are as under :

Point No.1 : In the Affirmative,

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

REASONS

7. **Point No.1 :** This is a suit filed by plaintiff seeking the relief of declaration that the registered sale deed dated 13.07.2005 and the registered sale deed dated 29.02.2012 are null and void and not binding on the plaintiff

society as there is no primary deed executed by plaintiff society in favour of defendant No.1 and for consequential relief of permanent injunction. It is the case of plaintiff society that the defendant No.3 is claiming over the suit property by virtue of sale deed executed by defendant No.2 in his favour on 29.02.2012 and the defendant No.2 alleges to have purchased the suit property by registered sale deed dated 13.07.2005 from defendant No.1 and further the defendant No.1 alleges to have purchased the suit property by registered sale deed dated 15.10.1987 from plaintiff society. According to plaintiff, no such registered sale deed at all has been executed by the plaintiff society in favour of defendant No.1 and that on enquiry by the plaintiff with Sub-Registrar, Belagavi, the plaintiff found that there was no such sale deed at all which is said to be executed on 15.10.1987.

8. The defendant No.1 has contended in the written statement that the suit property was purchased by defendant No.1 from plaintiff

society through registered sale deed dated 15.10.1987. However, the contents of affidavit annexed to the application reveal that despite reasonable search made by plaintiff in that regard, the plaintiff was unable to trace out any such registered sale deed dated 15.10.1987. Since the defendant No.1 himself claims to be purchaser under the said sale deed, he must be in possession of the said sale deed being the purchaser. The said sale deed would throw light on the matter in dispute in the present case and it would assist the Court in arriving at just conclusion. Hence, this Court deems it fit to direct defendant No.1 to produce the original sale deed dated 15.10.1987 before the Court. It is pertinent to note that the defendant No.1 has also not objected to the present application. Therefore, I answer **Point No.1 in the Affirmative.**

9. Point No.2 : For the above discussed reasons to Point No.1, I proceed to pass the following :

O.S.No.697/2021

ORDER

The application i.e., I.A.No.III filed by the plaintiff U/O.XI Rule 14 R/w. Sec.151 of C.P.C. is hereby allowed.

The defendant No.1 is directed to produce the original sale deed dated 15.10.1987 in respect of suit property, before the Court.

**Prl. Civil Judge & J.M.F.C,
Belagavi.**

For production of document by
17.11.2025.

**Prl. Civil Judge & J.M.F.C,
Belagavi.**