

KABG040028102023



25.11.2025

O.S.No.879/2023

**ORDER ON I.A.NO.VI 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 No.9169/2022-23 i.e., the original sale deed dated 05.12.2022 registered before Sub-Registrar, Belagavi in respect of suit schedule property, as listed in the application, from the defendant.

2. In the affidavit annexed to the application, it is stated that the present suit is filed for the relief of partition and separate possession against the defendants and that the alleged sale deed dated 05.12.2022 is concocted and created by forging the signature

and thumb impression of the plaintiff and that the plaintiff denies the signature and thumb impression appearing on the said sale deed. That it is created by the defendants by colluding with each other and as such the said sale deed is essential in order to seek expert opinion and to adjudicate the matter finally and effectively. The defendant No.4 is in possession of the said sale deed since it is said to have been executed in his favour and hence the defendant No.4 may be directed to produce the said sale deed. On these grounds, the plaintiff has prayed to allow the application.

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

4. Heard the counsel appearing for plaintiff.

5. The following points arise for my consideration :

1) Whether the applicant/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 partition and separate possession against the defendants. It is the case of plaintiff the suit schedule property is ancestral property of plaintiff and defendants No.1 to 3 and that the plaintiff and defendants No.1 to 3 are joint family members. The suit property bearing R.S.No.122/13 totally measuring 21 Guntas 12 Annas of land situated at Hudali Village, Belagavi is in actual and physical possession of the plaintiff and defendants No.1 to 3. That such being the case, the plaintiff is also entitled to legitimate share in the said suit property, but the defendant No.4 who is in no way concerned to the said property, has got created a false and fabricated document styled as 'sale deed' on 05.12.2022 which is registered before the Sub-Registrar, Belagavi. According to plaintiff, he has not signed the said sale deed and his

signature and thumb impression are forged by the defendants and the said sale deed is created by the defendants.

8. In the present suit, the plaintiff has sought the relief of partition and separate possession in respect of the suit property and also prayed to declare the sale deed dated 05.12.2022 executed in favour of defendant No.4 by the father of plaintiff and the uncle of plaintiff i.e., defendant No.3 as not binding on the share of plaintiff. Such being the case, the defendant No.4 being purchaser under the said sale deed, naturally the defendant No.4 is the custodian of the said sale deed. Since this Court has to decide on the validity of said sale deed also in the present case, the same needs to be produced before the Court. Hence, this Court deems it fit to direct the defendant No.4 to produce the original sale deed dated 05.12.2022 before the Court. Accordingly, 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 :

ORDER

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

The defendant No.4 is directed to produce the original sale deed dated 05.12.2022 in respect of suit property, before the Court.

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

The plaintiff has also filed I.A.No.VII U/O.XXVI Rule 10(A) of C.P.C. seeking expert opinion regarding the signature and thumb impression appearing on sale deed dated 05.12.2022 which is said to be that of the plaintiff, by sending the same to handwriting and finger print expert an appointment of Court commissioner.

It is pertinent to note that the said application is filed when the case stood posted

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for plaintiff evidence. As such, the evidence has not yet commenced and the defence of defendants is not yet revealed in the case. Hence, this Court deems it fit to consider I.A.No.VII after conclusion of evidence of both sides. Hence, I.A.No.VII is kept in abeyance until then.

For production of document by defendant No.4 as per orders on I.A.No.VI by 08.12.2025.

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