

IN THE COURT OF THE C/C II ADDL. CIVIL JUDGE &
JMFC, CHIKODI, AT: CHIKODI.

Present : **Sri. Nagesh Patil,**

B.Com.,LL.B.

C/C II Addl. Civil Judge & JMFC,
Chikodi.

Dated this the 9th day of January 2024

Original Suit No.327/2017

Plaintiff:

1. The Manager,
State Bank of India
Br. Shemanewadi, Tq: Chikodi

(By Sri. J.T.B, Advocate)

//Vs//

Defendant:

1. Smt. Shilpa Ramachandra Kakamare,
Age: Major, Occ: Agriculture,
R/o. Bhoj, Tq: Chikodi.

(By Sri. B. A. A.)

Parties To I.A.No.I

Applicants/Ori. Plaintiff:

- 1) The Manager, State Bank of India

//Vs//

Opponents/Ori. Defendants:

- 1) Shilpa Ramachandra Kakamare,
R/o. Bhoj, Tq: Chikodi.

ORDER ON I.A.NO.1 FILED U/O. XVI RULE 6
R/W SEC.151 OF CPC

The counsel for plaintiff has filed this application with a prayer to issue summons to the P.S.I., Sadalaga police station to produce the documents in this suit in respect of the loan account of defendant.

2. The defendant has not filed objection to the said application.

3. Heard and perused the materials, the points arise for Consideration of this court are as under:

POINTS

- 1) Whether the plaintiff has made out sufficient grounds to allow issue witness summons?
2. What Order?
- 4.** My answer to the above points are as under.

Point No: 1: In the Affirmative

Point No: 2: As per final order,
for the following:

:: REASONS ::

5. Point No.1:- On perusal of the materials on record the plaintiff has filed this application when the case is posted for plaintiff evidence. According to the plaintiff, the defendant has availed loan of

Rs.3,00,000/- in the year 1995 has occurred loan by producing security of land bearing R.S.No.88/2 measuring 19 Acres 30 Guntas of Bhoj village and the defendant has availed loan on 18-09-2012 by executing necessary documents in favour of the plaintiff bank and also executed hypothecation agreement, register mortgage deed in respect of the said land. Thereafter the defendant failed to repay the loan amount, hence the plaintiff bank has filed this suit for recovery of loan amount.

6. When the case is posted for plaintiff evidence, at this stage, the plaintiff has filed this application with a prayer to issue direction to the PSI. Sadalaga police station to produce the documents in respect of loan account of defendants which have taken custody from the Manager SBI branch Shamanewadi for enquiry and investigation by sending the same to the FSL. These documents are necessary in the present case for disposal of the suit. The charge sheet has been filed against the defendant in CC No.1043./2021 before Prl. Civil Judge and JMFC Court Chikodi only the Sadalaga police have received said documents for FSL and same are in their custody. All the original documents availed in respect of loan account of

defendant is in custody of the Sadalaga Police station, hence it is necessary to issue direction to the Sadalaga police station to produce the entire file in respect of loan amount of defendant. In order to decide the said suit on merits, if same is allowed and not directed to produce the same then the plaintiff bank will be put to heavy and irreparable loss if same is allowed no harm or loss will be caused to any body. Accordingly prays to allow the application.

The present suit is filed by the plaintiff bank for recovery of loan amount contended that the defendant has availed loan by securing his property and also by executing necessary loan documents. In the affidavit the plaintiff has stated that the PSI Sadalaga police station has received entire documents in respect of loan account of defendants for investigation and now investigation is completed and the documents are in custody of the police station, hence prays to issue direction to produce the loan documents to the court in order to prove its case. The suit is one for recovery of money. The said documents are material documents to prove the case of the plaintiff, hence it is just and necessary to issue direction to the police to produce loan documents pertains to the defendant, if same is allowed no harm or loss will be caused to the

defendant on the contrary it will assist the court in arriving just decision of the case. If the PSI is required these documents after completion of the evidence the plaintiff by following procedure by obtaining written documents produced the same before the police station hence it is just and necessary to allow the application and issue direction to the PSI Sadalaga police station to produce the said loan documents of defendant.

Accordingly I answer Point No.1 in the Affirmative.

7. Point No.2: In view of the aforesaid reasons, I proceed to pass the following:

ORDER

I.A.No.1 filed by the plaintiff under Order XVI Rule 6 R/W Sec.151 of C.P.C is hereby allowed.

The PSI Sadalaga Police Station is directed to produce the documents in respect of loan account of the defendant.

No order as to cost.

Call on

(Dictated to the Stenographer directly on the computer, typed by her, corrected & then pronounced by me in the Open Court on this the 9th day of January 2024).

(Nagesh Patil)
C/C II Addl Civil Judge & JMFC.,
Chikodi.