



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, GOKAK.**

BEFORE: Sri.Umesh S. Atnure,

B.Com.LL.B.(Spl)

O.S. No.7/2020

DATED THIS 10th DAY OF DECEMBER-2025

Plaintiff:

1. Khalil S/o Mainuddin Jamakhandi,
Age: 45 years, Occ: Business,
R/o: Gokak.

V/s

Defendants:

1. Smt. Shamshadbegum W/o Mainuddin
Jamakhandi,
Age: 55 years, Occ: Household work,
R/o: Maratha Galli, Behind Banashankar
Temple, Gokak, Tq: Gokak.
2. Smt. Asma W/o Shafiahamad Kamatanur,
Age: 32 years, Occ: Household work,
R/o: Maratha Galli, Behind Banashankar
Temple, Gokak, Tq: Gokak.
3. Buranuddin S/o Mainuddin Jamakhandi,
Age: 30 years, Occ: Business,
R/o: Maratha Galli, Behind Banashankar
Temple, Gokak, Tq: Gokak.
4. Juberahamed S/o Mainuddin Jamakhandi,
Age: 28 years, Occ: Business,
R/o: Maratha Galli, Behind Banashankar
Temple, Gokak, Tq: Gokak.

5. Smt. Kousarbanu W/o Umarfaruq Chachadi,
Age: 26 years, Occ: Household work,
R/o: Ghataprabha, Tq: Gokak.
6. MammadKhashim S/o Mainuddin Jamakhandi,
Age: 22 years, Occ: Business,
R/o: Maratha Galli, Behind Banashankar
Temple, Gokak, Tq: Gokak.
7. Meerasab S/o Budansab Jamakhandi,
Age: 80 years, Occ: Nil,
R/o: Aditya Nagar, Gokak. Dead
Since deceased by his LR's
- 7(a). Najeerahamad S/o Meerasab Jamakhandi,
Age: 60 years, Occ: Business,
R/o: Aditya Nagar, Gokak Tq: Gokak.
- 7(b). Ammajan W/o Nasiruddin Jarman,
Age: 58 years, Occ: Household,
R/o: Near Arkat Masjid, Sangam Nagar,
Gokak, Tq: Gokak.
- 7(c). Mumtaj W/o Saifuddin Faniband,
Age: 54 years, Occ: Household,
R/o: Near Arkat Masjid, Sangam Nagar,
Gokak, Tq: Gokak.
- 7(d). Farheen @ Fatima W/o Iyajahamad Kazi,
Age: 52 years, Occ: Household,
R/o: Kurubar Galli, Angol Belagavi,
Tq: Belagavi.

PARTIES TO I.A.No.XVII U/o XI RULE 14 R/W SEC 151 OF CPC

Applicant: 1. Khalil S/o Mainuddin Jamakhandi

.....Plaintiff/Applicant

Vs.

Opponents: 1. Smt. Shamshadbegum W/o Mainoddin
Jamakhandi and others

.....Defendants/Opponents

ORDERS ON I.A.No.XVII FILED U/o XI RULE 14 R/W
SECTION 151 OF CPC

The plaintiff has filed this present application U/o XI Rule 14 R/W Sec.151 of CPC at I.A.XVII praying to direct the defendant No.1 to produced the death certificate of Mainuddin S/o Buransab Jamakhandi.

2. In the accompanying affidavit, the plaintiff contended that he has filed this suit for partition and separate possession in respect of the suit properties. The defendants filed their written statement on false grounds now the case is posted for further cross-examination of DW2. He has taken specific contention that his father had been to Hajja Yatra and he died during the Hajja Yatra in the month of December 2015. The defendant No.1 obtained death certificate of his father and she is getting family pension from the government as his father was a Govt. Primary School Teacher. The suit properties are bearing CTS No.1681, 825, 1682A, 1682B, 1518-A1A1A1A4 and land bearing R.S.No.57/3 of

Belladabagewadi village are standing in the name of his deceased father. They were governed by Mohameden Law after the death of his father himself and defendants succeeded the properties held by their father. In order to prove the fact of death of his father the copy of death certificate of his father is just a necessary. Further he intended to get enter his name and name of defendants to the above said properties as the successors of the deceased Mainuddin Jamakhandi as such, it is just a necessary to direct the defendant No.1 to produced the death certificate of his father. Further he contended that as this father died in Soudi Arebiya as such, it is very much difficult for him to obtained the death certificate of his father. The defendant No.1 is having the custody of the death certificate of his father and she has clearly admitted the said fact in her cross examination. Further he contended that he has applied before Treasury office, Gokak and Syndicate Bank Regional Office, Belagavi for furnishing the copy of death certificate of his father but they have not supplied the same to him as such, he has filed this present application. Hence, he prayed to allow the application.

3. The defendant No.1 filed objections to this application by denying entire contention fo the plaintiff. Further contended that the document sought for production is not at all a factor related to matter in issue. The document sought to be produced is neither in the court language nor the parties to this suit can understand its recitals therefore the defendant No.1 is also confused whether such document sought to be produced is the death certificate of the deceased Mainuddin Jamakhandi or not. Further the plaintiff is fully aware that the said document is not at all require for him for any bonafide purpose and plaintiff is not at all in need of death certificate of deceased Mainuddin Jamakhandi for any lawful purposes. She further contended that since from the date of her appearance in this suit she was under impression that the said certificate is in her custody, after filing this application she searched for the same and she could not find it and suspects to be same is somewhere misplaced or unable to trace the same to produced before this court. If the plaintiff is really in need of said document he can very well appliy and obtained it from the concerned authorities as the

said document is a public document therefore the defendant No.1 prayed to reject the application.

4. Heard both side. Perused application and the records.
5. The points that arise for my consideration are as follows:

1. Whether plaintiff has made out grounds to direct the defendant No.1 to produced the death certificate of Mainuddin Jamakhandi?

2. What order?

6. My findings on the above Points are:

Point No.1:- In the Affirmative

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

REASONS

7. **Point No.1:-** This present application is filed by the plaintiff when the matter is posted for further evidence of defendant side. This present suit is filed by the plaintiff seeking the relief of partition and separate possession of his share in the suit schedule properties. The plaintiff

contended that his father Mainuddin Jamakhandi had been to Hajja when he was in Hajja he died and death certificate was issued by competent authority at Saudi Arabia but the defendants are not produced the same. In this suit the parties are governed by Mohameden law and the plaintiff is contending that his father Mainuddin Jamakhandi died in the Hajja and death certificate was issued by the competent authority at Saudi Arabia but he could not able to get the copy of the death certificate. The defendant No.1 got the same and based on that death certificate she is getting the family pension but she has not produced the same.

8. By perusing the cross-examination of DW2 who is the defendant No.1 in this suit she clearly admitted in her cross-examination that the death certificate is in her custody. Under Mohameden the right to succession accrues only after the death of the father. In order to prove the factum of death of father of the plaintiff, husband of defendant No.1 and father of defendant No.2 to 6 it is just a necessary to get the death certificate of deceased Mainuddin Jamakhandi. As the defendant No.1 in her cross-examination categorically

admitted that death certificate of Mainuddin Jamakhandi is in her custody but she has not produced the same. The defendant No.1 contended that till filing this present application she was under impression that the death certificate of Mainuddin Jamakhandi was in her custody but she recently came to know that the death certificate of Mainuddin Jamakhandi is not in her possession she has lost or misplaced it. But this contention of defendant No.1 is not acceptable one and from the cross-examination of DW1 it is clear that after death of Mainuddin Jamakhandi now the defendant No.1 who being the wife of Mainuddin Jamakhandi is getting the family pension only after production of the copy of the death certificate of Mainuddin Jamakhandi. Hence, it is clear that the defendant No.1 is in the custody of the death certificate of Mainuddin Jamakhandi and she has not produced same before this court. Hence, I am of the consider view that it is just a necessary to direct the defendant No.1 to produced the death certificate of Mainuddin Jamakhandi if the defendant No.1 is directed to produced the death certificate of Mainuddin Jamakhandi it will not cause any loss or injury to the

defendants if not the plaintiff will be put to irreparable loss and injury. Hence, **I answered the Point No.1 in the Affirmative.**

9. **Point No.2 :** For the aforesaid findings, I proceed to pass the following;

ORDER

The application filed by the plaintiff U/o
XI Rule 14 R/W Section 151 of CPC filed at
I.A.No.XVII is hereby allowed.

The defendant No.1 is directed to
produced the death certificate of deceased
Mainuddin Jamakhandi on the next date of
hearing.

Call on for compliance by 17.12.2025.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 10th day of December. 2025.)

Sd/-

(Umesh S. Atnure)
Prl. Senior Civil Judge Gokak.