

**: ORDER ON I.A No.XXVIII:**

i.	Provision under which the application is filed	:	U/o.XVI Rule 15 R/w. Sec.151 of CPC
ii.	Relief sought for	:	Seeking summons to Managing Director Jamkhandi Sugars or Account Manager share section (Sugar Distribution Department, Jamkhandi Sugars Hirepadasalagi to produce information in respect of share certificate No.74798 for the 2022-2025.
iii.	The date on which the application is filed	:	17-10-2025
iv.	Number of the application	:	I.A.No.XXVIII
v.	The date on which the objection is filed by different opponents	:	30.10.2025
vi.	The date on which the order was passed on the said application	:	12.11.2025

1. The defendant No.2 has filed IA.No.XXVIII U/o.XVI Rule 15 R/w.Sec.151 of CPC seeking summons to Managing Director Jamkhandi Sugars or Account Manager share section (Sugar Distribution Department, Jamkhandi Sugars Hirepadasalagi to produce information in respect of share certificate No.74798 for the 2022-2025.

2. The defendant No.2 has sworn in an affidavit stating that, the plaintiff No.1 is her mother and plaintiff No.2, defendant No.1 & 3 are sisters. The defendant No.4 is son of second plaintiff. The father of second defendant died on 29.07.2020. On 16.04.2000 the father-in-law of second defendant Mallayya Shivalingayya Hiremath was partner in the Kirana store running by father of second defendant, at that time, the father-in-law of second defendant Mallayya purchased share certificate NO.74799 in Jamkhandi sugars and his father also purchased share certificate No.74798 in Jamkhandi sugars. After the death of Mallayya Hiremath his son Shankrayya Hiremath has been receiving sugar under the share certificate till today, but it is unknown that who has been receiving the sugar from Jamkhandi sugars under the share certificate No.74798 belongs to father of defendant No.2 since 2000 till 2025. The defendant No.2 has issued notice to the MD Jamkhandi Sugars and Account Manager Share Section (Sugar Distribution Department) on 31.07.2025 & 25.08.2025 by RPAD requesting them to not to distribute sugar to anybody under share certificate No.74798 in future, but the sugar factory did not respond to the same.

**2.1.** The defendant No.2 further contended that, the sugar factory use to issue sugar to the share holders every year as per share certificate quantity and after the death of Mallayya Hiremath his son Shankrayya Hiremath has been receiving sugar as his legal heir. But after the death of father of defendant No.2 since 2000 till 2025 who is receiving sugar under his sugar certificate is not known to the defendant No.2, hence the defendant No.2 issued legal notice to the factory authorities but they have not given responses to the said notices. Therefore, it is necessary to issue summons to Managing Director Jamkhandi Sugars or Account Manager share section (Sugar Distribution Department, Jamkhandi Sugars Hirepadasalagi to produce information in respect of share certificate No.74798 for the 2022-2025. If the IA is not allowed, the defendant No.3 would be put to great hardship and loss, on the contrary, if IA is allowed no harm or loss will be caused to the plaintiff. Hence prays to allow the application in the interest of justice & equity.

**3.** The defendant No.2 has filed written arguments by reiterating the application averments and prays to issue summons to the Managing Director Jamkhandi Sugars or Account Manager share section

(Sugar Distribution Department, Jamkhandi Sugars Hirepadasalagi to produce information in respect of share certificate No.74798 for the 2022-2025.

4. On the other hand, the plaintiffs have filed objection to the IA.No.XXVIII contending that, the application is not maintainable either in law or on facts. The defendant No.2 is always filing number of applications only with intent to drag the matter. The defendant No.2 herself stated in her application that said share certificate NO.74798 is in the name of deceased Channayya, but Jamkhandi Sugars Hirepadasalagi is distributing the sugar to plaintiffs on the basis of said share certificate. The plaintiff No.1 is aged about more than 85 years and plaintiff No.2 is aged about more than 65 years if they are taking the sugar from the said factory for their livelihood what hurdle will be caused to the defendant No.2. Therefore, the defendant No.2 is the daughter of plaintiff No.1 and deceased Channayya has no male issue. It is also duty of the defendant No.2 to lookout the plaintiff No.1, but on contrary with having mean minded she has filed this bogus application to stop the sugar distribution to plaintiffs. If share certificate holder is dead his legal heirs are at

liberty to file application before the concerned authority of the factory to enter their names in share certificate as legal heirs, instead of it defendant No.2 is intend to stop the distribution of sugar. But the plaintiff No.1 & 2 are not taking sugar on the said certificate as alleged by the defendant No.2. Further it is contended that, it is least concern to the defendants No.4 to 6 pertaining to the said share certificate as such they are not the legal heirs of the deceased Channayya. The Hon'ble Court to direct the defendant No.2 to cooperate to dispose of the case as soon as possible as per the direction issued by the Hon'ble High Court of Karnataka, instead of giving the false application often in this case. Hence, prays to dismiss the application with heavy cost.

5. On the other hand, the defendants No.4 to 6 have filed objection contending that, the application is not maintainable either in law or facts. The defendant No.2 is always filing number of applications only with intend to dragon the matter. The defendant No.2 herself stated in her application that, said share certificate No.74798 is in the name of deceased Channayya, but Jamakhandi Sugars Hirepadasalagi is distributing the sugar to plaintiffs on the basis of

said share certificate. The plaintiff No.1 is aged about more than 85 years and plaintiff No.2 is aged about more than 65 years if they are getting the sugar from the said factory for their lively-hood what hurdle will be caused to the defendant No.2. Therefore, the defendant No.2 is the daughter of plaintiff No.1 and deceased Channayya has no male issue. It is also duty of the defendant No.2 to lookout the plaintiff No.1, but on contrary with having mean minded she has filed this bogus application to stop distribution of the sugar. If share certificate holder is dead his legal heirs are at liberty to file application before the concerned authority of the factory to enter their names in share certificate as legal heirs, instead of it defendant No.2 is intend to stop the distribution of sugar. But the plaintiff No.1 & 2 are not taking any sugar on the said certificate as alleged by the defendant No.2. Further it is contended that, it is least concern to the defendants No.4 to 6 pertaining to the said share certificate as such they are not the legal heirs of the deceased Channayya. The Hon'ble Court to direct the defendant No.2 to co-operate to dispose of the case as soon as possible as per the direction issued by the Hon'ble High Court of Karnataka, instead of giving the false application

often in this case. Hence, prays to dismiss the application with heavy cost.

6. Heard arguments. Perused the materials available on record. Now the following points arise for consideration:

**POINTS**

1. Whether the defendant No.2 has made out sufficient grounds to allow the application ?
2. What order?

7. Having heard arguments canvassed by the counsels & going by the materials available on record, this court answers to above points as under:

Point No.1 : In the negative

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

**: REASONS :**

8. **Point No.1** : At the outset, the plaintiffs have filed suit against defendants for the relief of partition & separate possession. The defendant No.2 has filed present application for issuance of summons Managing Director Jamkhandi Sugars or Account Manager share section (Sugar Distribution Department, Jamkhandi

Sugars Hirepadasalagi to produce information in respect of share certificate No.74798 for the 2022-2025 on the ground that, since 2000 till 2025 who is receiving sugar from Jamkhandi sugars under the share certificate of father of defendant No.2. The defendant No.2 has issued legal notice to the sugar factory authority for seeking the detailed information about who is receiving the sugar under the share certificate of her father after his death but they did not respond to the notices. On the other hand, the plaintiffs & defendant No.4 to 6 have filed detailed objection with a contention that, the plaintiff No.1 & 2 are age old persons and they are not receiving any sugar from Jamkhandi sugars under the share certificate of father of defendant No.2 as alleged by defendant No.2. The share certificate is still in the name of deceased Channayya, hence in order to change the name or get enter the names of legal heirs of deceased Channayya the concerned parties have to move application before the concerned authority of sugar factory. But the defendant No.2 has given notices and now filed application for stop the distribution of the sugar under the share certificate of her father to anybody is illegal.

**9.** After hearing both side and careful perusal of the materials available on record, it is pertinent to note that, the defendant No.2 has filed present application for issuance of summons to Managing Director Jamkhandi Sugars or Account Manager share section (Sugar Distribution Department, Jamkhandi Sugars Hirepadasalagi to produce information in respect of share certificate No.74798 for the 2022-2025 for furnishing detail information about who is receiving sugar under the above mentioned share certificate belongs to her father and stop the further distribution from now on words. It is noticed that, the defendant No.2 claims that, share certificate No.74798 belongs to her father and the sugar has been distributing to some other persons and the defendant No.2 does not know to whom the sugar is distributing by the sugarcane factory which is her father's property as the plaintiffs are claiming share in the suit schedule properties.

**10.** On careful perusal of the application & objection on the other hand, it is crystal clear that, the defendant No.2 has issued two legal notices to the Jamkhandi sugars seeking the information about distribution of sugar and stoppage of said distribution. In this case

the dispute with regard to the suit schedule properties between plaintiffs & defendants pertaining to the immovable properties and for getting information about distribution of the sugar under share certificate No.74798 belongs to deceased Channayya can be met out with separate and independent recourse which is available to the defendant No.2 as well as the receipt of sugar under the share certificate belongs to deceased Channayya has been not challenged till today since 2000 even after death of Channayya. The defendant No.2 also not made out any efforts to get the names of legal heirs to be entered in the share certificate after death of deceased Channayya. Further, it also appears that, having information about receipt of sugar from sugarcane factory under the share certificate belongs to deceased Channayya does not preclude the defendant No.2 from claiming her legitimate share. So, summoning the information about distribution of sugar and stop of sugar distribution under the share certificate of deceased Channayya cannot be withhold as the receiving sugar by the members of family of deceased Channayya till deciding the rights of the parties in the present suit with respect to suit schedule properties and the sugar is outcome of the landed suit schedule properties of joint family claimed by the plaintiffs

subject to result of the suit. Therefore, the defendant No.2 failed to made out sufficient grounds for allowing the application. With these observations, this court answers point No.1 in the negative.

**11. Point No.2:** In view of above findings, the following order is passed:

**: O R D E R :**

I.A.No.XXVIII filed U/o.XVI Rule 15 R/w.Sec.151 of CPC by the defendant No.2 is hereby dismissed.

For hearing on IA.No.XXVII.

By : 13-11-2025.

Sd/-

**Addl. Senior Civil Judge,  
Jamkhandi**