

KABR610005372016



**IN THE COURT OF THE II ADDL. CIVIL JUDGE &  
JMFC AT K.G.F.**

**PRESENT:** Manju.M. B.Sc., LLB.,  
I Addl. Civil Judge & JMFC,  
Nelamangala.

**Dated: This the 19<sup>th</sup> day of July, 2025,**

**O.S.No.74/2016**

**Plaintiffs:** Smt Gangamma and others.

V/s

**Defendants:** Papanna H.C. and others.

**PARTIES IN I.A.No.III**

**Applicant/Plaintiffs:** Sri K.G.Gurusiddaiah( Plaintiff No.3).  
V/s

**Opponent/Defendants:** Sri Papanna H.C. and others.

**ORDERS ON I.A. No.III**

The plaintiffs have filed I.A.III under Order 11 Rule 14 and R/w section 151 of CPC and prays to direct the 2<sup>nd</sup> defendant, Nelamangala Planning Authority,

Nelamangala to produce the original GPA dated 23.05.2005 on the basis of which the defendant No.1 filed a frivolous application for approval of the layout plan alleging that the plaintiffs and others have executed above GPA even though such GPA has not been executed by plaintiffs in favour of defendant No.1 is just and necessary for disposal of the case.

2. In the accompanying affidavit of IA, the applicant/plaintiff No.3 has sworn to the fact that the plaintiffs have filed a suit for mandatory injunction against the defendants and the original GPA on the basis of which the defendant No.1 has filed application before defendant No.2 for approval of the plan is just and necessary for verification as the signature found there on is fabricated and forged one. Further, it is submitted that the said GPA is fraudulently created by the defendant No.1 forging the signature and admittedly the original GPA is with the defendant No.2 and same is

required for proper adjudication of the case. Hence, prays for allowing the application.

3. This application is opposed by the defendant No.2 by filing objections and contended that the application is not maintainable either in law or on facts and liable to be dismissed and further, it is contended that the defendant No.2 is not custodian of the original document sought by the plaintiffs and the plaintiffs have to file application seeking the document from proper person who is the custodian of the document. In spite of it the plaintiffs have filed this application and same is not maintainable. On these grounds he prays for dismiss IA.

4. Both counsels submits that the arguments taken as heard.

5. The point that arises for consideration is as follows:-

1. Whether the application filed under Order 11 Rule 14 R/W sec. 151 of CPC is deserves to be allowed or not?

2. What order ?

6. My findings on the above points are as follows:

Point No.1 : Negative

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

### **REASONS**

#### **Point No.1:**

7. It must be noted that, I need not repeat the entire contention of the parties here also, since I have already narrated the same at the inception of this order.

8. It must be noted that the plaintiffs have filed the application under order 11 Rule 14 Read with Section 151 of CPC and prays to direct the defendant No.2 to produce the original GPA dated 23.05.2005.

9. As per Order 11 Rule 14 of CPC, the plaintiffs have to satisfied the court that the documents the production of which is sought for, must be in the possession or power of the party against whom the direction is sought for and the documents must relate to the controversy

involved in the suit. In the case on hand, admittedly, the approved plan in number NPS/LAO/11/2005-06 came into existence on 18.01.2006. As per the contentions of the plaintiffs, the defendant No.1 alleging that the plaintiffs and others have executed the GPA even though such GPA has not been executed by the plaintiffs in favour of defendant No.1 and the signature found on the said GPA are forged one. In the statement of objection, the defendant No.2 has specifically taken a contention that the defendant No.2 is not custodian of the original document sought by the plaintiffs. In the case on hand, the plaintiffs have not made any such effort in order to show that the defendant No.1 has filed original GPA before the Defendant No.2 and the plaintiffs have not produced any documents in order to show that the defendant No.2 is the custodian of the documents sought by the plaintiffs. In the case on hand, the plaintiffs have not made out a grounds for allowing the application and the plaintiffs have failed to show that the alleged original

GPA must be in the possession of the defendant No.2.  
Hence, this court is proceed to answer **Point No.1 in the Negative.**

**POINT No.2:**

10. For the foregoing reasons I proceed to pass the following;

**ORDER**

I.A No.III filed by the applicant under order 11 rule 14 R/W section 151 of CPC is hereby dismissed.

(Dictated to the stenographer, transcribed by him, corrected and then pronounced in the open Court on this the 19<sup>th</sup> day of July, 2025)

Sd/-  
I Addl. Civil Judge & JMFC,  
Nelamangala.