

IN THE COURT OF THE PRL CIVIL JUDGE & JUDICIAL  
MAGISTRATE FIRST CLASS AT HIRIYURU

Present: - Shri. Shridhara. H. D.

B.A. LL.B.,  
Prl. Civil Judge & JMFC.,  
Hiriyur, Chitradurga

Dated this the 28<sup>th</sup> day of November 2025

**O. S. No.48 / 2017**

PLAINTIFF/S:	Vasanthkumar,
	V/S
DEFENDANTS:	Rathnamma & Others
	I.A. No.X
Applicant : (Plaintiff)	Vasanthkumar,
	V/S
Opponent/s: (Defendants)	Rathnamma & Others
i. Provision under which the application is filed	U/ Sec.151 of CPC
ii. Relief sought for	Call for records
iii. Stage on which the application is filed	Arguments
iv The date on which the application is filed	14.10.2025
v Number of the applications	I.A. No.X
vi The date on which the objections are filed by opponents	18.10.2025
vii The date on which the orders were passed on the said application	28.11.2025

**(Shridhara. H. D.)**  
Prl. Civil Judge & J.M.F.C.,  
Hiriyuru.

**ORDER ON I.A. No.X**

The plaintiff has filed the present I.A. No.X U/Order XXXIX Rules 1 and 2 R/w section 151 of CPC seeking a direction to call for the entire records pertaining to the allotment of sites, the approvals granted by the Government of Karnataka, and the land acquisition proceedings relating to the farm sites allotted to Defendant No.1, 4 and 6.

2) On service of notice the defendant No.1 to 3 and 5 have filed objections to the IA. No.X.

3) In the accompanying affidavit, the plaintiff states that the defendants are claiming that they were allotted sites in Yarabally Village; however, they have allegedly encroached upon the suit schedule property belonging to the plaintiff, which, according to him, existed much prior to the allotment of sites made in favour of the defendants by the Grama Panchayat of Yarabally. It is stated that the said records are necessary for proper adjudication of the matter, and hence the application has been filed.

4) Defendant No.1 to 3 and 5 have filed objections contending that the plaintiff has not produced any endorsement to show that the Grama Panchayat refused his request for issuance of the documents. It is further contended that the documents sought do not contain any dates or site numbers and are therefore vague. The defendants also contend that some of the documents

referred to have already been produced and that the plaintiff has sworn to a false affidavit. They have therefore prayed for dismissal of the application.

5) Heard both the sides and peruse the I.A. No.X and documents available before this Court.

6) The following points arise for consideration of this Court:-

#### POINTS

1) Whether the plaintiff has made out a grounds to allow the application?

2) What order?

7) The findings of this Court to the above points are as under:-

Point No.1 :- In the Negative

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

#### **:- REASONS -:-**

8) **Point No.1:-** The plaintiff seeks to call for various records pertaining to site allotment, Government approvals, and land acquisition. However, the application does not disclose any specific dates, site numbers, approval numbers, or other identifying particulars that would enable the Court or the concerned authority to identify the documents sought. A general and omnibus request to call

for an entire set of records cannot be entertained, as it lacks the required specificity.

9) The records sought to be called for are public documents, and the plaintiff has not stated what prevented him from securing the said documents directly from the Grama Panchayat. The plaintiff has also not produced any endorsement or material to show that he made efforts to obtain the records and that such efforts were refused. In the absence of such primary steps, the inherent powers of the Court under Section 151 CPC cannot be invoked as a substitute for the plaintiff's omission to follow due procedure.

10) The supporting affidavit is also lacking in the necessary particulars and does not disclose sufficient grounds for exercise of inherent powers.

11) In view of the above deficiencies, this Court is of the considered opinion that the plaintiff has failed to make out a case for allowing I.A. No.10. Hence, this court proceed to answer point No. 1 in the **Negative** .

12) **POINT No.2** : For the foregoing reasons, this court proceed to pass the following:-

**::: O R D E R :::**

The I.A. No.X filed by the plaintiff  
U/sec.151 of CPC is hereby dismissed  
with cost of Rs.200/-.

(Directly dictated to the stenographer on the desk-top computer, typed by him on-line, corrected, signed and then pronounced by me in the open Court on this the 28<sup>th</sup> day of November 2025)

**(Shridhara. H. D)**  
Prl. Civil Judge and JMFC,  
Hiriyuru.