

**ORDER ON I.A. VIII FILED BY THE PLAINTIFF
UNDER ORDER XVI RULE 6 R/W/S 151 OF CPC.**

The plaintiff has filed this IA No.VIII under Order 16 Rule 6 read with section 151 of CPC., to summon the ADLR Mudigere to cause production of the documents to the court in the interest of justice and equity.

2. In the memorandum of facts annexed to the IA No.VIII, it is stated that the plaintiff is the owner of the "A" schedule property and defendants have trespassed into the "A" schedule property and illegally encroached the "A" schedule property detailed at 'B' to "C" schedule properties and said encroachment fact has ascertained when plaintiff got survey / measurement done. Hence plaintiff has filed this suit. The documents haddubastu survey done has been traced recently, but said documents are xerox copies and said documents cannot be admitted in evidence without the original documents are secured. The said documents are in the custody of ADLR Mudigere. Now the case is posted for further chief examination of plaintiff. Hence prays to summon the ADLR Mudigere to produce the documents.

3. On the other hand defendants have filed objection

4. Heard the learned counsel for the plaintiff and perused the materials available on record.

5. The following points arise for my consideration:

1) Whether the plaintiff has made out grounds to allow IA No.VIII?

2) What order?

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

Point No. 1 : In the Negative

Point No. 2 : As for the following:

REASONS

7. **Point No. 1:** Plaintiff has filed this suit for the relief of declaration, possession and permanent injunction. Now the case is posted for further chief examination of PW-1. At this juncture the plaintiff has come up with this application to issue summon to the ADLR, Mudigere to produce Haddubastu sketch, Haddubastu notice, statement dated 13.12.2018 pertaining to Sy.No. 87 of Coove village. According to plaintiff, the said documents are in the custody of ADLR, Mudigere. If the said said documents are available in the office of ADLR, Mudigere then plaintiff can obtain

certified copy of the said documents from the ADLR, Mudigere. The plaintiff has not produced any documents to show that he has made an application to obtain the certified copy of the said documents from the ADLR, Mudigere. The xerox copies of the documents produced by the plaintiff shows that he can obtain the certified copy of the same from the authority. The plaintiff has every opportunity / right to obtain the documents from the ADLR, Mudigere by filing necessary application by stating the description of the documents. Therefore, summoning of the ADLR, Mudigere, for production of documents is not permissible. It is not the case of plaintiff that, even after filing application, ADLR, Mudigere not furnished the said documents. If the ADLR, Mudigere is refused to furnish the copy of the documents specifically stated in the application, then it is proper to summon the documents through Court. Therefore, no grounds are made out by plaintiff to allow the application. In view of above discussion this court answers **point No.1 in the Negative.**

8. Point No. 2: In view of above findings on point No.1 this court proceed to pass the following:

ORDER

IA No. VIII filed by the plaintiff U/o XVI rule 6 R/w 151 of CPC is hereby rejected.

No order as to cost.

The IA No. VII filed by the plaintiff is allowed. The xerox documents furnished by the plaintiff are taken on record subject to production of certified copies of the same.

Case posted for further chief examination of PW1.

Call on : 14.11.2025.

(PRAKASH.P.M.)
Senior Civil Judge and JMFC,
Mudigere.