

**ORDERS ON I.A.NO. II FILED BY THE
PLAINTIFF**

I.A.No.II filed by the plaintiff U/o XVI rule 6 and 7 of CPC to summon the Branch Manager/ chief executive, VSSN Bank Branch Hale Mudigere to produce original documents i.e., Saguvali chit, sketch and resolution in respect of the schedule property.

2. In the affidavit annexed to the application the plaintiff contended that suit filed by her for recovery of possession and permanent injunction against the defendant. At the time of filing suit plaintiff produce the certified / xerox copies of the Saguvali chit, Resolution, Sketch etc., But the original documents are pledge by her to the bank for obtain the loan. The said original documents are kept in VSSN Hale Mudigere branch bank. The said documents are very much necessary to plaintiff to prove her case. If the application is not allow she will be put to hardship, loss and inconvenience which cannot be compensated in terms of money. On the other hand no prejudice will be caused to the defendant. Hence, plaintiff prays to allow the application.

3. On the other hand defendant has filed object to I.A. No.II by denying all the averments made in the affidavit annexed to the application.

4. Heard both side and perused the materials on record.

5. The following points arises for my consideration.

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

2) What order?

6. Heard on IA No. II by both side

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

Point No. 1 : In the Affirmative

Point No. 2 : As for the following:

REASONS

8. **Point No. 1:** In the application the plaintiff prayed to summon the Branch Manager/ chief executive, VSSN Bank Branch Hale Mudigere to produce original documents i.e., Saguvali chit, sketch and resolution in respect of the schedule property which is deposited by the plaintiff while availing loan.

Plaintiff contended that said documents are very much necessary to prove her case.

9. The defendant has filed objection to IA No. II by contending that and contended that application filed by the plaintiff is not maintainable either in law or on facts. The plaintiff has filed the present application in order to drag the proceedings and to cause wrong full loss to the defendant. The documents which are sought to cause production are not necessary to this suit. The defendant will be put to very great hardship loss and injustice. Hence, defendant prayed to dismiss the application.

10. On perusal of the record it reveals that the plaintiff has filed the suit for declare the plaintiff is the absolute owner of the 'A' schedule property and for permanent injunction restraining the defendant, his men agent and servants from interfering with the plaint 'A' schedule property and from interfering with the peaceful possession and enjoyment of plaint 'A' schedule property in

any manner and possession of 'B' schedule property.

11. On perusal of the record it reveals that when the matter is posted for further chief of PW-1, plaintiff has filed the present application for issue summons to the Branch Manager/ chief executive, VSSN Bank Branch Hale Mudigere to produce original documents i.e., Saguvali chit, sketch and resolution in respect of the schedule property. It is the principle that widest opportunity should be given to the parties to prove their case in the trial court itself. If the IA No. II is allowed no hardship will be caused to the defendant. The defendant has every right to cross-examine the witness on the said documents. Therefore, to avoid multiplicity of proceedings I inclined to allow the application filed by the plaintiff. In view of my above discussion I answer point No.1 in the Affirmative.

12. **Point No. 2:** In view of my findings on point No.1 I proceed to pass the following:

ORDER

IA No. II filed by the plaintiff
U/o XVI rule 6 and 7 R/w sec. 151
of CPC is hereby allowed.

Issue summons to Branch
Manager, VSSN Branch, Hale
Mudigere as stated in the I.A.No.II
to cause production of Saguvali
chit, sketch and resolution in
respect of the schedule property if
P.F paid.

Call on : 12/10/2023.

**(JAYAPRAKASH V.)
SENIOR CIVIL JUDGE AND JMFC.
MUDIGERE.**