

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

I.A.No.XV filed by the plaintiff U/o XVI rule 6 and 7 R/w Section 151 of CPC to summon to the Tahasildar Mudigere Taluk to produce the documents stated in application.

2. In the memo of facts annexed to the application. Plaintiff contended that, he has filed the suit and produced the certified copy of the documents mentioned in the application, while marking the same Court has refused to mark as exhibits stating that they are not the certified copies. It is the practice in the taluk office to issue the said documents in the said passion as true copies. The Tahasildar is the custodian of said documents and there are no alternative with this plaintiff to obtain documents as required for the Court and hence summoning the document from the office of Tahasildar, Mudigere Taluk is very much necessary. Hence plaintiff prays to allow the application. .

3. On the other hand, the defendant No.10 filed objection to IA No. XV by stating that the

application filed by plaintiff is not maintainable either in law or on facts. The plaintiff has filed the false, frivolous, vexatious application and to drag the proceedings of the case. The plaintiff stated the false facts in the memo of facts and plaintiff has not come with the clean hands and suppressed the true facts. The plaintiff has filed this application for issue summons to the Tahasildar to produce the documents, those documents are not necessary for the plaintiff to prove her case. Further plaintiff has filed this application with intention to mislead the Court and plaintiff would have filed this application before the examination in chief of the plaintiff. The plaintiff has filed this application with an intention to destroy the defense of the defendants in the case, there is no merit in the present application. Hence defendant No.10 prays to dismiss 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. XV?

2) What order?

6. Heard on IA No. XV 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: On perusal of the records it reveals that, plaintiff has filed the suit for partition, declaration and permanent injunction against defendant No.10. The plaintiff has filed the present application for summoning Tahasildar Mudigere for cause production of documents stated in the application and for cause production of documents. Plaintiff has produced those documents obtained from the Taluk Office but the said documents does not disclose any certification. Therefore it is very much necessary to summon the said document from the Taluk Office Mudigere. If the document is called for it will help the court to adjudicate the matter in dispute.

9. 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. XV is allowed no hardship will be caused to the defendants. The defendants have 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.

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

ORDER

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

Issue summons to the Tahasildar, Mudigere to produce the documents stated in IA No. XV, if PF paid by the plaintiff.

Call on : 01/10/2024

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