

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

I.A.No.VIII filed by the plaintiff U/o XVI rule 6 of CPC to summon the Tahasildar Mudigere to cause production of entire record pertaining to the grant of land to defendant No.1 in L.R.F(7) 573/74-75 and for cause production of the record pertaining to change of khatha by the Tahasildar in the name of defendant No.1 in the year 2017-18 in MR No. H71/2017-18 as per regrant.

2. In the memorandum of facts annexed to the application. Plaintiff contended that, prior to 2017 any property has been not granted in favour of the defendant No.1, but in the year 2017-18 the Tahasildar Mudigere as per MR No. H71/2017 entered the name of defendant No.1 in the khatha on the basis of re-grant. Therefore it is very much necessary to call for the entire record pertaining to the grant proceedings and call for the document pertaining to the khatha changed in the name of defendant No.1 in the year 2017-18. The plaintiff also prayed to call for the original records pertaining

to the LRF (7) 573/1974-75 to prove the reality. If the application is allowed no hardship will be caused to defendant.

3. On the other hand, the defendant filed objection to IA No. VIII by stating that plaintiff has not made any efforts to obtain the certified copies of the documents which he wants to rely. He would have produced the certified copies instead of seeking production of the original. It is also not made known why the original documents are necessary. He has also not produced any document / endorsement in proof of applied for certified copies and could not obtain the same. As a matter of right the plaintiff cannot summon the documents unless he produces that his attempts to get certified copies have failed. Even otherwise documents sought to be produced are not relevant to the above suit. Hence defendant prayed to dismiss the application.

4. Heard both sides and perused the materials 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. Heard on IA No. VIII 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 declaration and possession of the suit schedule property. The plaintiff has filed the present application for summoning Tahasildar Mudigere for cause production of entire record pertaining to the grant of land to defendant No.1 in L.R.F(7) 573/74-75 and for cause production of the record pertaining to change of khatha by the Tahasildar in the name of defendant No.1 in the year 2017-18 in MR No. H71/2017-18 as per regrant. In the memorandum of facts annexed to the application plaintiff stated that no property has been granted to the defendant No.1 prior to 2017 but in the

year 2017-18 as per MR No. H71/2017-18 on the basis of regrant the khatha has been mutated in the name of defendant No.1. Plaintiff contended that though he has filed application under Section 6(1) and 7(1) of the right to information Act 2005 for issue of certified copy of the grant of land to defendant No.1 in survey No.395 of Mavinakere village in LRF (7) 573/74-75 but the Tahasildar has not furnished the document. Counsel for plaintiff has produced the application filed by the plaintiff for issue of certified copy under RTI and also produced the postal order and postal receipt and postal acknowledgment card service of the said application to the Tahasildar Mudigere. The documents relied by the plaintiff shows that he has applied for certified copies of the above said documents before the Tahasildar Mudigere. It is the contention of plaintiff that the Tahasildar has not issued any such document stated in the application filed under RTI. 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. VIII is allowed no hardship will be caused to the plaintiff. 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.

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

**ORDER**

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

Issue summons to the Tahasildar, Mudigere to produce the entire record pertaining to LRF (7) 573/1974-75 and to produce the entire record pertaining to regrant of land to defendant No.1 i.e., Deju Poojari in Sy.No. 395 of Mavinakere village mutated in the name of defendant

No.1 in the year 2017-18 as per MR No.  
H71/2017-18. If PF paid by plaintiff.

Call on : 12/08/2024

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