



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
JMFC AT N.R.PURA, ITINERATE AT KOPPA**

Present: Smt.B.S.Rayannawar, B.A., L.L.B,
Senior Civil Judge & JMFC.,
N.R.Pura, Itinerate at Koppa.

Dated this the 27th day of July 2023

OS.No.46/2022

BETWEEN:

Sri.N.A.Ramu

...Plaintiff.

V/s.

AND:

Sri.N.A.Sreedhara and others

...Defendants.

IA.No.VII

BETWEEN:

Sri.N.A.Ramu, S/o Late Ananda Ramabhatta,
Aged about 62 years, House No.14, 1st A Cross,
Anjaneya nagar, Banashankari,
3rd Stage, Bangalore – 560 085.

...Applicant/Plaintiff

V/s.

AND:

Sri.N.A.Sreedhara and others

...Opponents/defendants.

**ORDER ON IA NO.7**

The applicant/plaintiff filed IA No.VII under Order XVI Rule 6 R/w Section 151 of CPC with an prayer to produce all the loan document executed by the late Shakuntalamma, and 4th defendant by name N.V.Vasantha at the time of obtaining KCC (Crop) loan, with respect to plaint A Schedule property, (1 A02 guntas of Garden land in Sy.No.64 of Karimane village, Kasaba Hobli, Koppa Taluk).

2. The application is supported with the affidavit of the applicant/plaintiff stating that, he is the petitioner herein, plaintiff in the main suit and acquainted with the facts of the case. He filed the suit against the defendant's for partition and separate possession of the plaint A and B Schedule property. He taken specific contention in his plaint that, 4th defendant has created the concocted certain bogus documents in the name of his mother late



Shakunthamma at her life time. Recently he came to know that 4th defendant has obtained a KCC (Crop) loan from the State Bank of India, Belavinakodige Branch, Koppa Taluk, Submitting the document of his mother property that is A schedule property mentioned in suit. Himself and his brother have applied certified copy of the loan documents from the bank, they endorsed that Shakuntamma has availed KCC (Crop) loan of Rs.90,000/- on dated 09.01.2021 and said loan not closed so far. Hence copy of the documents not given to LRs of the late Shakunthamma.

3. He specifically taken contention in his plaint that his brother 4th defendant N.A.Vasanth, without the knowledge of his old age mother created certain document in her name and misused the property of his mother. To prove his contention it is very much essential to summon the Manager, State Bank of India, Belavinakodige Branch,



Koppa Taluk, to produce all the documents submitted, and loan documents executed by the Shakuntalamma and defendant No.4 at the time of availing the loan.

4. He prayed that this court may be pleased to summon the Manager State Bank of India, Belavanakodige Branch, to produce all the documents in the Bank with respect to loan obtained by the Smt. Shakuntalamma, submitting the record of A schedule property in the suit schedule that is Sy.No.64 of Karimane Grama, Kasaba Hobli, Koppa Taluk.

5. If his application is allowed no hardship will be caused to the plaintiff. If his application is not allowed he will be put to untold hardship and inconvenience. Hence prays to allow the application.

6. I.A. opposed by defendant no.4 by filing written objections contending that, the application filed by the



plaintiff / applicant under Order XVI Rule 6 R/w Section 151 of CPC is not maintainable both in law and on facts of the case and hence the same is liable to be dismissed. The applicant/ plaintiff has sworn a false affidavit. At the present stage he is not relevant to produce the document. Even in the affidavit nor in the plaint. The plaintiff application supported by affidavit he is not stated anything about the documents.

7. The documents that is not way relevant to the case and under the present circumstance the document is not required to adjudicate the matter. The plaintiff are filing this appeal only with an intention to bargain the time and to delay trial. The documents to be summoned at the time of trial and said document is not required at this stage. Hence prays to dismiss the IA with exemplary costs.



8. Upon hearing arguments and on perusal of materials placed on record the following points that would arise for my consideration.

POINTS

1. Whether the applicant/plaintiff has made out grounds to allow the application?
2. What order ?

9. My findings to the above points are as under.

Point No.1: In the Affirmative.

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

REASONS

10. **Point No.1:** The plaintiff filed this instant suit against the defendants for partition and separate possession, claiming his 1/8th share in suit schedule property. Now the case is posted for plaintiff evidence, at this stage the plaintiff filed present application issue summons to Manager State Bank of India, Belavinakodige



Branch, Koppa to produce all the loan documents. It is the contention of the plaintiff that, He taken specific contention in his plaint that, 4th defendant has created the concocted certain bogus documents in the name of his mother late Shakunthamma at her life time. Recently he came to know that 4th defendant has obtained a KCC (Crop) loan from the State Bank of India, Belavinakodige Branch, Koppa Taluk, Submitting the document of his mother property that is A schedule property mentioned in suit. Himself and his brother have applied certified copy of the loan documents from the bank, they endorsed that Shakuntamma has availed KCC (Crop) loan of Rs.90,000/- on dated 09.01.2021 and said loan not closed so far. Hence copy of the documents not given to LRs of the late Shakunthamma. Hence the defendant no.4 without the knowledge of his old age mother created certain document in her name and misused the property of his



mother. To prove his contention it is very much essential to summon the Manager, State Bank of India, Belavinakodige Branch, Koppa Taluk, to produce all the documents submitted, and loan documents executed by the Shakuntalamma and defendant No.4 at the time of availing the loan.

11. Learned counsel for defendant no.4 submits that, the documents that is not way relevant to the case and under the present circumstance, the document is not required to adjudicate the matter, the application is filed only with an intention to bargain the time and to delay trial. The documents to be summoned at the time of trial and said document is not required at this stage. Hence prays to dismiss the IA with exemplary costs.

12. As per the contention of the plaintiff that, the defendant no.4 has created certain document in his name



and misused the property of his mother. Hence to prove the same the said documents are necessary. And mere production of a document does not mean that the court has accepted the document. And moreover the defendants have every liberty to cross examine the plaintiff on the said document. Hence if the application of the plaintiff is allowed and if the documents are summoned, no hardship will be caused to the defendants. Hence to meet out the ends of justice and for striking balance between the interest of the parties, it is just and proper to call for document. Hence **point no.1 answered in the Affirmative.**

13. **Point No.2:** In view of the discussions made above this court proceeds to pass the following:



ORDER

I.A.No.VII filed by the applicant/
plaintiff under Order XVI Rule 6 R/w
Section 151 of CPC is hereby allowed.

Office to issue summons to the
Manager State Bank of India,
Belavinakodige Branch, Koppa Taluk-
Pin 577126 to produce the documents
as sought in I.A.No.VII.

(Dictated to the Stenographer directly on the computer, then
corrected and pronounced by me in the open court on this date the
27th day of July, 2023)

Sd/-

(B.S.Rayannawar)

Senior Civil Judge and JMFC.,
N.R.Pura. Itinerate at Koppa.