



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
J.M.F.C. AT N.R.PURA, ITINERATE AT KOPPA**

Present: Sri Raghunatha Gowda K.T.B.Com.,L.L.B,
Senior Civil Judge & J.M.F.C. N.R.Pura, Itinerate at Koppa

Dated this the 22nd day of March, 2025

O. S. No.46/2022

Plaintiffs : Sri. N.A. Ramu,
S/o. Late. A.V. Anandaramabhat,
Aged about 62 years,
R/o. House No.14, 1st A Cross,
Anjaneya Nagara, Banashankari,
3rd Stage, Bengaluru – 560 085.

(By Sri L.V.M., Advocate)

V/s

Defendants: 1. Sri. N.A. Sridhara,
S/o. Late. A.V. Anandaramabhat,
Aged about 72 years,
R/o. Balthar, Karimane Village,
Kalkere Post, Koppa Taluk,
Chikkamagaluru Dsitric-577123.

2. Sri. N.A. Dathathreya,
S/o. Late. A.V. Anandaramabhat,
Aged about 70 years,



R/o. House No.28, Sampada,
1st Cross, 1st Phase,
B.E.M.L. Layout,
Rajarajeshwari Nagara,
Bengaluru South – 560 098.

3. Sri. N.A. Venkatesha,
S/o. Late. A.V. Anandaramabhat,
Aged about 68 years,
R/o. House No.15, 'Nandana',
Sampada, Bommarasayyana
Agrahara, Kuruvalli Post,
Thirthahalli Taluk – 577 432,
Shivamogga District.
4. Sri. N.A. Vasantha,
S/o. Late. A.V. Anandaramabhat,
Aged about 65 years,
R/o. Thyagaraja Road,
Bharath Rice Mill Road,
Koppa Town, Koppa Taluk,
Chikkamagaluru District.
5. Sri. N.A. Aravinda (dead) (17.02.2024),
represented by his legal heris
- 5(a) Smt. Jayasri Aravinda,
W/o. Late. N.A. Aravinda,
Aged about 60 years,



5(b) Sri. N.A. Sachin,
S/o. Late. N.A. Aravinda,
Aged about 32 years,

5(c) Sri. N.A. Sanath A. Balthar,
S/o. Late. N.A. Aravinda,
Aged about 27 years,

All are R/o. House No.5-4-172/20,
Siravista Apartment, Kodiyaguttu,
Ballal Bhat, Mangalore – 575 003.

6. Sri. N.A. Mohan,
S/o. Late. A.V. Anandaramabhat,
Aged about 60 years,
R/o. House No.B-4-305,
Provident Welworth City,
Doddaballapura Road,
Marasandra, Thumakuru.

7. Sri. N.A. Pradeepkumar,
S/o. Late. A.V. Anandaramabhat,
Aged about 58 years,
R/o. House No.304, 3rd Floor,
Bommasandra, Anekal Taluk,
Bengaluru – 560 099.

(Defendant No.1 to 3 and 5 to 7, defendant No.5(a) to
5(c) are represented by Sri M.S.N., Advocate, defendant
No.4 represented by Sri B.S.N., Advocate)

**I.A. No.XVII**

Applicant/Plaintiff : Sri. Ramu
V/s

Opponents/ Defendants : Sri. N.A. Sridhar & others

ORDERS ON I.A. No.XVII

When the matter posted for further defendant evidence at this stage the I.A. No.XVII filed by the plaintiff Under Order XVI Rule 6 R/w Section 151 of C.P.C. to summon the Manager, Karnataka Bank, Narve Branch, Koppa Taluk to produce the document executed by late Shakunthamma at the time of opening her S.B. Account No.5362500100582401 in the interest of justice.

2. It is stated in the affidavit of plaintiff that he filed the suit against the defendants for relief of partition and separate possession in respect of the suit schedule properties. Further he contended that in the plaint he taken specific contention that the defendant No.4 has created and concocted certain bogus documents in the name of my mother late Shakunthamma and he has operated the S.B. Account, at the time of opening the S.B.



Account he has given his mobile number and obtained A.T.M. card in the name of Shakunthamma and he use to the A.T.M. card, but he denied the said fact in his cross-examination. So that reason it is necessary to summon the Manager, Karnataka Bank, Narve Branch to produce the document. Further if this application is allowed no loss or injury will be caused to the defendants. Hence he sought to allow this application.

3. Opposing the said application the defendant No.4 counsel filed objection contended that the application filed by the plaintiff is not maintainable either in law or facts. Further the present application is filed only with an intention to drag on the suit. The present application is filed is behind the scope of the suit and the documents are not require to resolve the issue involved the present suit. Hence he prays to reject the said application.

4. Heard learned counsel for the plaintiff and defendants and perused the materials placed before the court.



5. Now, the points that would arise for my consideration are:

1. Whether the I.A.No.XVII deserves to be allowed ?
2. What order ?

6. My finding on the aforesaid points for consideration is:

Point No. 1 : **In the Negative.**

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

REASONS

7. **Point No.1:** On careful perusal of the records the plaintiff filed the suit against defendants for relief of partition and separate possession of the suit schedule properties. The main contention of the plaintiff that on 26.08.2016 the defendant No.4 in order to grab the property without knowledge of plaintiff, their mother he has created the Gift deed in respect of the 'B' schedule property and the said Gift deed is not binding on their share and to declare that the said Gift deed is illegal. Further the issue involved in the present suit that whether



the defendant No.4 has created the Will in order to deprive the right of the plaintiff. Further now the plaintiff filed this application taken contention that to summon the Manager, Karnataka Bank, Narve Branch, to produce the document i.e., S.B. Account belongs to his mother by name Shakunthalamma before this court that the defendant No.4 is used the A.T.M. Card of their mother.

8. On perusal of the records as per Ex. P33 the plaintiff produce the statement of account belongs to their mother before the court and as on 27.09.2022 the closing balance is zero. Further in the said document it clearly show the transaction taken place. Further in order to adjudicate the matter and lis between the parties and the issue involved in the present suit the production of document sought by the plaintiff is not necessary to adjudicate the matter. Further the plaintiff can establish that the defendant No.4 created the document in respect of item No.2 of the suit properties are not this fact only considered by this court. Further during the course of cross-examination of DW2 / defendant No.4 he admitted that he has given his mobile number, while open the



account in the name of his mother. Such being the case the production of / summoning the Manager to give the evidence is not required. Hence there is no merits in the said application. Hence this court proceeds to answer the aforesaid point No.1 for consideration **in the Negative.**

9. **Point No.2:** In view of my answer to point No.1 in the negative, I pass the following:

ORDER

I.A. No.XVII filed by the plaintiff Under Order XVI Rule 6 R/w Section 151 of C.P.C. to summon the The Manager, Karnatka Bank, Narve Branch to produce the document as sought in the application is hereby rejected.

No order for cost.

(Typed to my dictation by the stenographer directly on Computer, then corrected, printout taken, signed by me and then pronounced in the open court on this 22nd day of March, 2025)

Sd/-

(Raghunatha Gowda K.T.)
Senior Civil Judge and J.M.F.C.,
N.R.Pura, Itinerate at Koppa.