



**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 03rd day of June 2023

OS No.08/2019

BETWEEN:

Smt.Sowmya H.S.

...Plaintiff.

V/s.

AND:

Smt.Sahana H.S. and others

...Defendants.

IA.No.XX

BETWEEN:

Smt.Sowmya H.S.

...Applicant/Plaintiff.

V/s.

AND:

Smt.Sahana H.S. and others

...Opponents/Defendants.

**ORDERS ON IA NO.XX**

The applicant/plaintiff filed IA No.XX under Order XVI Rule 6 R/w Section 151 of CPC with an prayer to call for Doct.No.1575/1974 from the office of Tahasildar Koppa.

2. The application is supported with the affidavit of the applicant/plaintiff stating that, she fully conversant with the facts of the case. Further stated that, the occupancy right granted with respect to 1 to 3 suit schedule property to Smt.Kadamma w/o Puttegowda, Hariharapura by land tribunal in case no.1575/1974 and issued form No.10. The said properties are not the self acquired property of Smt.Kadamma w/o Puttegowda, the same are reflected in form no.7. Smt.Kadamma submitted form no.7 and given her statement before the Land Tribunal, hence it is necessary to call for document in KLR 1575/1974 the same is very much necessary to prove her case. Hence it is necessary to issue summons to the



Tahasildar Koppa to produce the document in case no. KLR 1575/1974. if the documents are summoned no hardship will be caused to the defendants, on the other hand if the application is not allowed hardship caused to the plaintiff. Though the plaintiff tried to get the documents from the above said office, but not able to get the documents. Hence prays to allow the application.

3. I.A. opposed by defendant no.6 to 9 by filing written objections contending that, the application filed by the plaintiff is not maintainable under law, the application is filed only to drag on the matter, no proper reasons shown by the plaintiff to allow the application. Hence prays to dismiss the application.

4. 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 ?

5. 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

6. **Point No.1:** The plaintiffs have filed the instant suit against the defendants for partition and separate possession. Now the case is posted for cross examination of PW.1 at this stage the applicant/plaintiff filed the present application to call for documents from the office of Tahasildar Koppa.

7. It is the contention of the plaintiff that, the suit schedule properties are not the self acquired properties of Smt.Kadamma, W/o Puttegowda, the matter was decided before the land acquisition board, in KLR 1575/1974 hence



the said document in respect of suit schedule property item no.1 to 3 and the said documents are very much necessary to prove her case.

8. Hence it is well settled legal principal that courts while deciding such matters, should not adopt hyper technical approach and liberal approach should be the general rule. Technicalities of law should not be permitted to hamper the courts, in the administration of the justice between the parties. 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 plaintiff is permitted to produce the document 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.

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

ORDER

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

Office to issue summons to
Tahasildar Koppa to produce the
document in case No.KLR 1575/1974.

(Dictated to the Stenographer directly on the computer, then corrected and pronounced by me in the open court on this date the 03rd day of June, 2023)

Sd/-

(B.S.Rayannawar)

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