

ORDER ON I.A.

The plaintiff has filed this application under Order 16 Rule 6 of CPC, seeking permission to Issue summons to the Chief Administrative Officer (CAO) of District and Session Judge at Mandya to produce the service register of one Mr. Late N.B. Sivanna, who is the retired Amin.

It is the allegation of the plaintiff that, the plaintiff is one and only son of late Basappa. But in the written statement the defendant no. 4 to 8 have contended that, one Mr. N.B. Sivanna is the son of Aldur Basappa, Chamarajanagar taluk, Chamarajanagar district and actually Sri N.B. Sivanna is not the son of Aldur Basappa and during the lifetime of N.B. Shivanna was working as a court amine at the Court of Hon'ble District and Session Judge at Mandya and he retired at the Srirangapatna Court and the above said Srirangapanna Court is within the jurisdiction of the Hon'ble District and Session Judge at Mandya. Since Mr. N.B. Sivanna himself has impleaded as one of the proper and necessary party to this suit, as per the Order passed in RA No.21/2014 dated 31.07.2020, claiming that, he is the son of Alduru Basappa. Hence, to ascertain the real dispute, the service register of the N.B Shivanna is very much necessary.

Per contra, it is the contention of the defendant no. 4 to 8 that, they have produced many documents before this court reflecting that Shivana is son of Aldur Basappa. Ex.P3 is the document which

disclosing that Shivana is the son of Basappa.

Furthermore, the late Shivanna was retired in the Srirangapatna court and he is now no more. Hence the service registers cannot be called for at this stage. The Hon'ble Senior Civil Judge and CJM., Chamarajanagara has upheld the RA filed by the Shivanna and permitted him to complete the case.

No doubt there is an a dispute pertaining to relationship of the plaintiff with Aldur Basappa and relationship of Shivanna with Aldur Basappa. It is important to ascertain who is the son of Aldur Basappa i.e. legal heir of Basappa. The Ex.P3 RTC is reflecting that Shivana is the son of Basappa. But, mere relying upon the revenue record and G-tree, it cannot be determine that Shivana is the son of Alduru Basappa.

Hence if the register is called for perusal of this court, no hardship will cause to the defendant no. 4 to 8. Certainly the service register discloses the family members and permanent residence. Hence the application is allowed on cost of Rs.500/-.

Issue summons to the CAO of District and Session Judge at Mandya to produce the service register of one Mr. N.B. Shivanna.
Call on 22.04.2026

**Civil Judge & JMFC,
Yelandur.**