

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE &  
J.M.F.C. AT: HONNALI.**

**PRESENT:** Smt. Prema Vasantrya Pawar  
B.Com.LL.B.(Spl)  
Principal Civil Judge and JMFC,  
Honnali.

**Original Suit No.95-2010**

**Dated: 07<sup>th</sup> March 2017.**

**Plaintiff:**

**Defendant:**

K.M. Parameshwarappa S/o  
Kenchappa, Aged about 60  
years, Agriculturist, R/o:  
Kammaragatte Village,  
Honnali taluk, Davanagere  
District and others

**V/s.**

Anjaneya Shetty S/o  
Narayana Shetty, Aged  
about 60 years,  
Agriculturist, R/o  
Kammaragatte Village,  
Honnali taluk, Davanagere  
District and others.

**(By Sri. K.G Mallikarjunappa,  
Advocate)**

**(D1 to 4 and 8 to 12 Rep  
by.M.K. Jayappa, D6, 7  
Inperson, D5 Exparte, D5a and  
D13 absent, D14 and 15 Rep.  
by AGP, D8 a,b,c,d Rep. By Sri.  
K.R. Manjunath Advocate)**

**PARTIES TO IA NO.15 and 16**

**Applicant:**

Venkatesha Shetty S/o  
Kanthappa Shetty, Aged  
about 58 years, Agriculturist,,  
R/o Kammaragatte Village,

**V/s.**

**Opponent:**

K.M. Parameshwarappa  
S/o Kenchappa, Aged  
about 60 years,  
Agriculturist, R/o:  
Kammaragatte Village,

Honnali taluk, Davanagere  
District.

**(By Sri. M.K. Jayappa., Advocate)**

Honnali taluk,  
Davanagere District and  
others

**(By Sri. K.G mallikarjunappa,  
Advocate)**

**Common Order on I.A.No.15 and 16 U/o 8 Rule 1A R/w  
section 151 of CPC**

The defendant no.12 filed an applications U/O 8 Rule 1A R/w Sec.151 of CPC prays that permit him to produce the additional list of documents by allowing this application in the ends of justice.

2. In support of these applications defendant no.12 has swearing his affidavit.

3. Per contra the plaintiff has filed his objection.

4. Having heard on both the sides.

5. Following point will arise for my consideration:

*1. Whether the applications filed by the defendant no.12 U/o 8 rule 1A r/w section 151 of CPC is deserves to be allowed?*

*2. What order*

6. My answers to the above points are as under:

Point No.1: In Affirmative

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

### **REASONS**

7. **Point No.1:** The plaintiffs have filed this suit under the representative capacity against the defendants seeking for the relief of declaration and recovery of possession and also seeking the relief of permanent injunction in respect of suit schedule property. Now the case is posted for cross of Dw.1 meanwhile defendant no.2 filed these applications seeking permission to produce the documents. The defendant no.12 submitted that some documents are obtained under the RTI Act and those documents are very necessary to prove their defence if is not permitted to produce the document then he will put irreparable loss and hence he prays that allow the applications.
8. Percontra the plaintiff contended that the application filed by the defendant no.12 are not maintainable either in law or on facts. Further contended that the documents produced by the defendant no.12 are not relevant documents to the present facts in hand and those documents are not admissible in evidence. Hence prays that to reject the applications.
9. In view of the application and objections and also observing the arguments advanced by either side it

reveals that the documents produced by the defendant no.12 those are certified copy of Ex.No. 45/14 and certified copy of vakalath nama in O.S. No. 189/2008, 20/2010 and 52/2010 and also produced some documents obtained under the RTI Acts regarding the monuments from the archaeological survey of India. However the suit schedule property described in the plaint regarding khaneshumari no. 58, 61, 59, 73, 74 and 141 it totally measures East-West 150 feet, North-South 250 feet and also Udew (ಉಡೇವ). In view of these suit schedule properties the defendant no.12 wants to produce the documents in order to prove his defence and moreover the production of document is deferred from the proof of the document. Therefore the plaintiffs have right to challenge those documents subject to proof. Therefore the objection raised by the plaintiffs is not justifiable. Hence for the above reason the point no.1 is answered in the affirmative.

10. **Point No.2:** In view of above findings, I proceed to pass the following:

**ORDER**

IA.No.15 and 16 filed by the defendant no.12 U/O 8 Rule 1A R/w sec. 151 of CPC are hereby allowed by awarding cost of Rs.100/- each.

(Dictated to the Stenographer, she transcribed and typed by her, corrected by me and then pronounced in Open Court on 7<sup>th</sup> day of March 2017)

(Smt. Prema Vasantryo Pawar)  
Principal Civil Judge & JMFC.,  
Honnali.