

Orders on IA No.IV

Counsel for DHR filed IA No.IV U/o.XI rule 14 of CPC for seeking the relief of summoning the proposed documents from the JDR.

2. The said application is opposed by the learned counsel for JDR wherein he has specifically raised his objection as that, application filed by the DHR is not maintainable both law and facts and same is liable to be dismissed in limine and JDR has already produced all relevant documents in respect of his objection, therefore DHR has no locus standi to file this application and sought summon the proposed documents from the JDR. On these grounds he sought rejection of application.

3. Heard the both side on said application. Then perused the application filed by the DHR and it appears that wherein DHR sought summoning the documents from

the JDR in respect of Sy. No-7/1,7/2 and 7/3 of Kodikoppa village, but in the said application he has not averred any sufficient reasons regarding why the JDR has to produce those documents and what could be prevent him to obtain such documents from the concerned Government department and also not explained to how those documents are become relevant to just adjudication of this Execution petition. Moreover proposed documents are public documents and which are made available in the concerned department and anyone can file a necessary application before the office for certified copies of such documents, but in the present case DHR has not made any efforts to avail such documents from such office. Therefore plea made by the DHR as that JDR is the custodian of proposed documents is not acceptable one.

4. Moreover power conferred under Order 11 Rule 14 of CPC is purely discretionary power of the court and it can be exercised if the proposed documents are relevant to resolve issue in question. Therefore in the present case issue is that whether the defendant/JDR has disobeyed the permanent injunction decree passed by this court in O.S.No-

189/2013 in respect of suit property bearing Sy No-9/2 of Kodikoppa village or not. Therefore for consideration of such question proposed documents in the present application is no way relevant. Therefore this Court of the opinion that present application is not maintainable, however DHR has unnecessarily causing one year delay to the adjudication of this petition on the basis of this baseless IA No.IV. Therefore IA No.IV shall be reject with cost. Accordingly pass the following:

ORDER

IA No.4 filed by the counsel for DHR U/O.11 Rule 14 of CPC is hereby rejected with cost of Rs.500/-.

Cost amount shall be payable by the DHR to TLSC Honnali. It makes clear that, payment of cost is prior condition to further proceeding of this petition.

For payment of cost and further chief of DW-1 finally and last chance. Call on-07.08.2026.

PCJ.,Honnali.