

ORDER ON I.A. X

The plaintiff has filed an application under order 16 rule 6 r/w sec. 151 of CPC, praying to call for the entire records from Tahsildar Court, Honnali pertaining to the RRT(CR) 584/2017-18.

2. The reasons assigned by the counsel in the memorandum of facts annexed to the application are that instant suit is filed for the relief of declaration and permanent injunction. After completion of the both side evidence, the plaintiff recalled the DW-1 and further cross-examined. The plaintiff has got very good grounds to urge the case, the document sought in the application are very much necessary. Hence, prays to allow the application.

3. The defendant filed objection contending that, the plaintiff is seeking the RRT proceedings of the Tahsildar , Honnali . If the Tahsildar of Honnali has refused to give the

certified copies then only the plaintiff can call for the records. The plaintiff without following the above procedure , he has filed this application just with an intention to drag the proceedings. Hence, prays to dismiss the application.

4. Heard arguments both sides and perused the materials available on record. The plaintiff has filed the present suit against the defendant for the relief of declaration and permanent injunction in respect of the suit schedule property. Both the parties have already adduced their evidence after completion of rival side evidence the plaintiff has recalled DW-2 for further cross-examination. After that, the plaintiff counsel has taken sufficient time but failed to cross-examine DW-2 . In the mean time, he has come up with this application calling the entire records of RRT proceedings from the Tahsildar, Honnali taluk. The plaintiff is seeking the file of the court proceedings of the Tahsildar. In the memorandum of facts the counsel has not stated how those documents are relevant to prove the case of the plaintiff. Further, he has not stated whether the plaintiff has approached the Tahsildar for getting the certified copies of the above said proceedings. The plaintiff is calling the public document and if at all plaintiff wants the said document it can get the certified copies from the Tahsildar office. As per the Evidence Act the secondary evidence is also admissible in evidence. The plaintiff without obtaining the certified copies from the concerned authority , he has filed this application. This itself shows the delay tactics of the plaintiff . The plaintiff without adducing the secondary evidence he has come up with this application and same is not tenable in the eye of law. In the

touchstone of the aforesaid reasons, I proceed to pass the following :

ORDER

The application filed by the plaintiff under Order 16 Rule 6 of CP.C. is hereby rejected.

Call on for further cross of DW-2 by:
16-07-2022.

C/C Addl. C. J & JMFC., Honnali