

**IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE
& JMFC, BELTHANGADY, D.K. DISTRICT**

:PRESENT:

**SRI. MANU B.K., *B.A.L., LL.M.*,
Prl. Senior Civil Judge & JMFC,
Belthangady, D.K. District**

Dated, this the **25th** day of **September 2025**

O.S./25/2023

PLAINTIFF:

Mr. Antony Pais
s/o. Jacob Pais,
Aged about 52 years,
Resident of Kallagudde,
Melanthabettu village,
Belthangady Taluk, D.K.
Presently R/at Pandeshwara
Kuvettu village,
Guruvayanakere post,
Belthangady Taluk, D.K.

(By Sri. V.G.M., Advocate)

-V/s-

DEFENDANTS:

1. Smt. Sharadha
w/o. Late Muthappa
Moolya
Aged about 62 years,
R/at Pandeshwara house,

Kuvettu village,
Guruvayanakere post,
Belthangady Taluk, D.K.

2. Smt. Usha
w/o. Vasantha Kulal
D/o. Late Muthappa Moolya
Aged about 35 years,
R/at Pandeshwara House,
Kuvettu village,
Guruvayanakere post,
Belthangady Taluk, D.K.
Presently R/at Thalathi
Colony, Umbarked Road,
Pimplegoan Baswanth
Nasik, Maharastra,
Pin 422 209.

3. Smt . Asha,
w/o. Vishwanath Kulal
D/o. Late Muthappa Moolya
Aged about 33 years,
R/at Pandeshwara House,
Kuvettu village,
Guruvayanakere post,
Belthangady Taluk,D.K.
Presently R/at Janani house,
Kapikad, Mani post,
Bantwal Taluk,
D.K.Pin 574253.

4. Smt. Anitha
w/o. Abhinash

D/o. Late Muthappa Moolya
Aged about 30 years,
R/at Pandeshwara house,
Kuvettu village,
Guruvayanakere post,
Belthangady Taluk, D.K.

(D1 & D4 - By Sri. A.C.K
Adv., D3 – By Sri. K.B.H
Adv., D3 – exparte)

PARTIES TO I.A.No.III

Applicant/Defendant: Smt. Usha

-V/s-

Opponent/Plaintiff: Antony

ORDER ON I.A.NO.III

The defendant No.2 has filed I.A.No.3 under Order XVI Rule 6 and 7 read with Section 151 of CPC seeking to summon particulars regarding amount of Rs.5,00,000/- transferred from the S.B A/c

No.01832200055575 of Canara Bank, Guruvayanakere branch to Vikas V.V.Sahakari Sangha (N) Guruvayanakere on 16-12-2020 through NEFT.

2. In the affidavit annexed to the application, the 2nd defendant has stated that her father has transferred the aforesaid amount from his account to the account of the plaintiff. Therefore, the said document is very much essential for resolving real question in controversy between the parties.

3. The application filed by the 2nd defendant has been opposed by the plaintiff by filing objection. In the objection, the plaintiff has contended that the similar application was filed earlier and documents are already on record. Therefore, the application filed by the 2nd defendant is not maintainable. Hence, the plaintiff sought to reject the application.

4. Heard the arguments of learned counsel for the plaintiff and defendant no.2 on I.A.No.III.

5. The points that arise for my consideration are:

1. Whether the 2nd defendant has made out grounds to summon the document as sought for?

2. What order?

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

Point No.1: In the **NEGATIVE**

Point No2: As per final order

for the following:

REASONS

7. **Point No.1:** This court has given its anxious consideration to the pleadings of the combating parties, application filed by the 2nd defendant and objection of plaintiff. The instant suit has been filed seeking for specific performance of agreement. The order sheet

would depicts that the matter is at the stage of defence evidence.

8. The application filed by the 2nd defendant would depicts that the 2nd defendant has filed this application seeking direction for production of particulars regarding transfer of amount through S.B account of her father to the account of plaintiff. However, on perusal of order sheet, it clearly exhibit that the similar kind of application was filed seeking for ledger extract of two documents. The said application i.e. I.A.No.II came to be allowed by this court vide order dated 24-04-2025. Accordingly, summons was issued to the Manager of Canara Bank, Guruvayanakere and Manager of Vikas V.V.Sahakari Sangha(N), Guruvayanakere for production of documents as sought for in I.A.No.II. Accordingly, C.E.O of Vikas V.V.Sahakari

Sangha has submitted statement of account and the bank account of her father is also produced before the court by the concerned. In the background of the application filed by the 2nd defendant and aforesaid order of the court, on perusal of Ex.D1 and application filed by the 2nd defendant, it depicts that the 2nd defendant is seeking direction for production of S.B.Account extract regarding A/C No.01832200055575 maintained in the Canara Bank through which the amount was transferred to Vikas V.V.Sahakari Sangha, Guruvayanakere. The Ex.D1 as well as a document produced by the Vikas V.V.Sahakari Sangha would clearly effingit that statement of account of her father maintained in Canara Bank and statement of account of plaintiff maintained in Vikas V.V.Sahakari Sangha for a particular period are already on record. Therefore, no purpose will be served

by summoning the manager for production of the very same document.

9. The application filed by the 2nd defendant further reveals that as per her contention, the amount was transferred from the account of her father to the account of plaintiff. Such being the case, she being a legal heir, she can apply and obtain copy from the bank and produce it before the court. Therefore, the 2nd defendant cannot use the court as a tool for collection of document. Similar kind of application was already filed and the document sought by the 2nd defendant is already on record. Hence, this court is of the view that what the 2nd defendant project is a huge hocus-pocus, but alas, she has no locus. Ergo, the application filed by the 2nd defendant is liable to be rejected. Accordingly, this court answering the point No.1 in the **NEGATIVE**.

10. **Point No.2**:- In view of the above reasons, this court proceed to pass the following:

ORDER

The I.A.No.III filed by the petitioner/defendant no.2 under Order XVI Rule 6 and 7 read with Section 151 of CPC is hereby rejected.

No order as to cost.

(Dictated to the stenographer, transcribed by her, transcript then corrected by me and then pronounced in the open court on this 25th day of September 2025)

(MANU B.K.)

Prl. Senior Civil Judge & JMFC
Belthangady, D.K.