

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

:PRESENT:

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

Dated, this the 30th day of June 2026

O.S./60/2022

PLAINTIFF:

Sri. Harish Salian
Aged 50 years,
S/o. Ananda Bangera,
R/at Moorthaje house,
Navoor village and post,
Belthangady Taluk, D.K.

(By Sri. **A.S.K.**, Advocate)

-V/s-

DEFENDANT:

Laxmana Gowda,
Aged about 70 years,

S/o. Shivayya Gowda,
R/at Erthilal house,
Indabettu village,
Bangady post,
Belthangady Taluk,D.K.

(By Sri.A.N Advocate)

PARTIES TO I.A.No.IX

Petitioner: **Harish Salian**

-V/s-

Opponent: **Laxmana Gowda**

ORDERS ON I.A.No.IX

The plaintiff has filed this application under Order XI Rule 1 and Section 151 of CPC seeking permission to deliver interrogatories to the defendant for the examination of

defendant.

2. In the affidavit annexed to the application, the plaintiff has stated that he has filed a suit for damages. Even though the defendant has appeared before the court and filed written statement, he has failed to tender himself for the test of examination. In fact, he has done so for avoiding answering of questions with a fear that truth will be revealed. In his written statement, he has simply denied the plaint averments, but he has not taken any specific defence. Therefore, it is necessary that he should answer the questions given in the interrogatories. Ergo,

the plaintiff sought to allow the application.

3. As against the application filed by the plaintiff, the defendant has filed objection by contending that the defendant has filed his written statement by refusing the entire assertion made in the plaint. The burden is on the plaintiff to prove the allegations and assertion made in the plaint. Therefore, the defendant has successfully demonstrated that the documents and claim of the plaintiff are false, hence this application is an attempt to fill the gap in their own evidence on the evidence phase is complete. The application is filed an after thought and with an intention to

drag the proceedings. Therefore, the defendant sought for rejection of application.

4. Heard the arguments of learned counsel for both side.

5. The points that arise for my consideration are;

1. Whether the plaintiff proves that the annexed interrogatories are relevant to decide the matter in question?

2. What order?

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

Point no.1: In the **AFFIRMATIVE**

Point no.2: **As per final order**
for the following:-

REASONS

7. **POINT No.1:** The plaintiff has filed this suit seeking the relief of compensation for the damages caused by the defendant by publication of defamatory article with regard to plaintiff. The order sheet unravels that the evidence of plaintiff is completed. The defendant submitted that he has no defence evidence to make. Therefore, the matter is posted for arguments. At this stage, the plaintiff has filed the instant application seeking permission to deliver interrogatories.

Those interrogatories are as follows:

1. What/which is your mobile phone number, which was being regularly used by you during the years 2022 & 2023?

2. Whether phone number '9900982098' was being used by you during the years 2022 & 2023?

3. If your answer is 'yes' to question No.2, whether you have received the message which is marked as Ex.-P3 in the above suit, to your phone?. If so, from which phone number you have received the said message/article?

4. Whether you have forwarded Ex-P3 message to others through whatsapp/different face book pages and other social media accounts by making use of your mobile phone?

5. If your answer is 'yes' to question Nos.3 & 4 above, whether you have understood that the contents of Ex-P3 are defamatory?

8. On perusal of aforementioned interrogatories, it appears that those questions are relevant to decide the contentions of the combating parties. As per order XI Rule 1 of CPC interrogatories shall be related to the matter in question in the suit. Here in this case, the plaintiff has filed interrogatories seeking details of mobile number of the defendant, relevancy of Ex.P3 and other aspects pertaining to the suit. Therefore, those interrogatories are relevant to decide the issue in question.

9. On perusal of objection filed by the defendant, it appears that he has not raised

any objection by contending that those interrogatories are irrelevant or not exhibited bonafide for the purpose of the suit. Moreover, the affidavit annexed to the application filed by the plaintiff would clearly depicted a clear picture that since the defendant has failed to lead evidence, he has to answer those questions so as to meet the ends of justice.

10. It is a settled principle that interrogatories must have a direct nexus with the matter in issue and must be necessary either for disposing of the case fairly or for saving the cost. The court while exercising

jurisdiction under Order XI is required to examine whether interrogatories are bonafide, relevant and necessary for adjudication of the dispute. If the interrogatories are in the nature of a fishing or rowing enquiry or if they seek information which can conveniently be elicited in the cross examination, such interrogatories cannot be allowed. Provisions of Order XI are intended to aid the adjudication and not to enable a party to avoid proving facts, which the law requires him to be established independently.

11. In the present case, the entire fulcrum of the issue revolves around defamatory

publication alleged to be made by the defendant. Admittedly, the defendant did not step into the witness box. He has also denied the factum of defamatory publication alleged to be made by him. The aforementioned interrogatories delivered by the plaintiff would depicted that those interrogatories are having direct nexus with the suit. Therefore, this court is of the view that the plaintiff has made out sufficient grounds to allow the application. Moreover, if the application is allowed, the defendant can answer to the interrogatories and defend his case. On the other hand, if the application is not allowed, then the very

purpose of the suit filed by the plaintiff will be defeated. When the defendant has contended about non-publication of defamatory article, then he cannot deny to answer to the interrogatories. Ergo, for the praefatus reasons, this court is of the view that the application filed by the plaintiff is deserves to be allowed. Accordingly, this court answering above point no.1 in the **AFFIRMATIVE**.

12. **POINT NO.2:** In view of findings on the Point No.1 , this Court proceed to pass the following:

ORDER

The I.A.No.IX filed by the plaintiff under Order XI Rule 1 and Section 151 of CPC is hereby allowed.

The defendant is hereby directed to answer to the interrogatories filed by the plaintiff by 06-07-2026.

(Dictated to the stenographer, transcribed by her, then corrected and pronounced by me in the open court on this 30th day of June 2026)

(MANU B.K.)

Senior Civil Judge & JMFC
Belthangady, D.K.