

**IN THE COURT OF PRL.CIVIL JUDGE AND PRL.JMFC,
DHARWAD**

-: PRESENT :-

**Sri.AVINASH GHALI.,
B.A. LL.B.,
Prl. Civil Judge & Prl.J.M.F.C., Dharwad**

Dated this the 03rd day of January - 2026

Original Suit No.215/2012

BETWEEN

Plaintiffs : Shivappa S/o Gurubasappa Bharati
and others.

(By Sri.S.S.R., Adv.)

V/s.

Defendants : Shanta W/o Chandrashekar Bharati
and others.

(Defendant No.1 to 3 & 5 by Sri. A.C.P.,Adv.)

PARTIES TO I.A.NO.16

Applicant : Surendra S/o Shivappa Bharati
(Org. Pltffs)

V/s.

Opponents : Shanta W/o Chandrashekar Bharati
(Org Defts.) and others.

1.	Provision under which the application is filed	I.A No.16 U/O XVI Rule 1 and 2 R/w Sec.151 of CPC.
2.	Relief sought for	Prayer to summon the documents by directing Tahsildar Dharwad
3.	The date on which the application is filed	17-11-2025
4.	Number of the application	I.A No.16
5.	The date on which the objection filed by different opponents	21-11-2025
6.	The date on which the orders were passed on the said application	03-01-2026

ORDER ON I.A.NO.16

The plaintiff has filed the present application under Order XVI Rule 1 and 2 R/w 151 of CPC with prayer to summon the following documents by directing Tahsildar Dharwad to produce the following documents:

1. Original RTC of Sy. No.190, Plot No.20 of Kyarakoppa Village, Tq: and Dist: Dharwad for year 2024-2025
2. Original RTC of Sy. No.190, Plot No.21 of Kyarakoppa village, Tq: and Dist: Dharwad for year 1981-1990.
3. Mutation Register pertaining to the Mutation no.1594 dated 08-02-2002 pertaining to plot No.21 in Sy. No.190 of Kyarakoppa village, Tq: and Dist: Dist: Dharwad.

2. The defendant no.2 has filed the objection to the present application.

3. Heard the learned counsel for plaintiff and also learned counsel for defendants no.2 and perused the materials on record.

4. The following point that would arise for consideration by this Court:

1. Whether the plaintiffs have made out a grounds to issue summons to the Tahashildar Dharwad for production of intended documents?

2. What order?

5. My findings on above points are as under :

Point No.1 : In the Affirmative.

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

REASONS

6. Point No.1: It is to be noted that the present suit has been filed for relief of partition by granting $\frac{1}{2}$ share to the plaintiff over suit properties.

7. It is significant to note that the plaintiff has claimed that the suit property belong to the plaintiff and defendants. Whereas defendant no.1 has filed the written statement and denied the contention of plaintiff and contented that the husband of defendant no.1 by name Chandrashekhar was the government servant and said Chandrashekhar has purchased the suit property in the name of his father with the consent of the plaintiff for the same also, which is beneficial for Chandrashekhar after his retirement.

8. It is relevant to note that the evidence on the both sides have been concluded and even arguments have been

heard. During course of arguments learned counsel for defendant has submitted that the suit property claimed to be bearing Plot No.20 situated at Sy No.190 is defendant property but suit property is Plot No. 21 in Sy. No. 190/21. Therefore though the evidence have been led by both parties there is ambiguity with respect to the Plot No.20 and Plot No. 21. But one as per the documents furnished by the plaintiffs as per Ex.P6 to Ex.P8, it is evident that the plot number has been changed from 190/21 to 190/20 as per MR No.1594 vide order dated 11.03.2002. But there is no explanation from the Tahashildar, Dharwad, as to why the said plot has been changed from 21 to 20. Therefore in order to clarify the ambiguity the said intended documents are necessary for adjudication of present suit.

9. It is no doubt the learned counsel for defendant no.2 and no. 3 has objected the present application on the ground that the documents sought by the plaintiff are already marked as Ex.P5 to Ex.P9 and present application is filed to drag on the suit. However there is no clarity in the documents exhibited under Ex.P5 to Ex.P9 as to why Plot No.21 has been changed to Plot No.20. Thus, though the suit is filed in 2012, even evidence on both parties have been concluded, but the ambiguity is not clarified with respect to Plot No.20 and Plot No.21. Therefore, the allowing

application of the plaintiffs is necessary for seeking documents from the Tahashildar to adjudicate the present suit. Thus, in light of perusal of discussion, this Court is of the opinion that plaintiffs have made out grounds to allow the present application. Hence, in light of the aforesaid discussion this Court answered **Point no.1 in the Affirmative.**

10. Point no. 2: As per the discussion held and findings on point no.1, this Court proceeds to pass the following order.

ORDER

The IA No.16 filed by plaintiffs under Order XVI Rule 1 and 2 R/w 151 of CPC is hereby allowed.

Consequently, issue summons to the Tahashildar Dharwad for production of the intended documents, under present application, if PF is paid.

For furnishing the document, call on
14.01.2026.

(Dictated to the Adalat AI and Stenographer, same is transcribed by her, then corrected, signed by me and pronounced in the open Court dated this **03rd day of January 2026**).

(Avinash M. Ghali)
Prl., Civil Judge & JMFC.,
Dharwad.