

IN THE COURT OF IV ADDL. SENIOR CIVIL JUDGE
AND J.M.F.C., DHARWAD.

PRESENT: SRI.ANAND S KARIYAMMANAVAR

B.A., LL.B(Hon's)

IV Addl. Senior Civil Judge
& J.M.F.C., Dharwad.

OS No.50/2018

Dated : 15th day of October 2024

Plaintiff/s : Basavaraj @ Basappa M. Hajare.

(R/by Sri.K.G.J, Adv)

V/s.

Defendant/s: Girish H. Hajare and others.

(D1 to 8 R/ by Sri.C.A.K, Adv)
(D10 R/by Sri.R.H.A, Adv)
(D18 R/by Sri.B.S.S, Adv)
(D9, 11 to 14, 16 & 17 Exparte)
(P.D20, 23 Absent)

PARTIES TO IA NO.XXVI

Applicant/s : Basavaraj @ Basappa M. Hajare.

V/s.

Opponent/s: Girish H. Hajare and 17 others.

ORDERS ON IA No.XXVI

The counsel for the plaintiff filed this application under
Order 18 Rule 17 R/w Section 151 of CPC and sought to

recall the PW.1 to lead further evidence.

2. The plaintiff filed his affidavit in support of this application and submitted that, he filed this suit against the defendants for the relief of declaration, partition and separate possession and consequential relief of injunction. During the trial, he has filed IA under Order 16 Rule 1 and 2 and sought to summon the register book No.13 from the Principal Government Primary School, Navaloor. Accordingly, the said IA came to be allowed and Government Primary School, Navaloor has produced certified copy of the document sought by the plaintiff. Therefore, marking of the said document is very much necessary, hence present application is filed.

3. On the contrary, defendants No.1 filed objection to the application and contended that the said register book is produced by the Government Primary School, Navaloor but plaintiff has not produced the same from his custody, therefore, he cannot mark the said document, thereby sought to reject the application.

4. Heard both side and perused the material available on record.

5. Now the following points arise for my consideration.

1.	Whether the application filed by the plaintiff deserves to be allowed ?
2.	What order ?

6. My answers to the above points are as under.

Point No.1 : In Affirmative.

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

REASONS

7. **Point No.1:-** This is a suit instituted by the plaintiff against the defendants for the relief of declaration, partition and injunction and consequential relief of injunction against the defendants. When the matter was posted for cross of PW.3, plaintiff counsel has produced IA No.55 by seeking to summon the Principal Government Primary School, Navaloor to produce a register book containing register No.3745/1984-85, accordingly same came to be allowed, thereafter this Court has issued summons to the said school authority, accordingly on 28.03.2024 the school authority produced the above said document, therefore for the proper

appreciation of the evidence and in order to decide the dispute between the parties, marking of the said document is very much necessary. Though the counsel for the defendants contended that the plaintiff was not in custody of the said document, however, the said document was summoned by the order of this Court and same being a public document can be marked through PW.1. Hence, for the above stated reasons, I have answered **point No.1 “in Affirmative”**.

8. **Point No.2:-** For the reasons stated while discussing **point No.1**, I proceed to pass the following:-

ORDER

The IA No.XXVI filed by the plaintiff under Order 18 Rule 17 R/w Section 151 of CPC is hereby allowed.

PW.1 is recalled, for further chief of PW.1.

For steps of IA No.27 to propose defendant No.19, 21 and 22.

(Dictated to stenographer, typed by her, corrected and then pronounced by me in the open court on **15th day of October 2024**)

(Anand S Kariyammanavar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

For order
15-10-2024

(Order pronounced in the open Court vide separate order)

ORDER

The IA No.XXVI filed by the plaintiff under Order 18 Rule 17 R/w Section 151 of CPC is hereby allowed.

PW.1 is recalled, for further chief of PW.1.

For steps of IA No.27 to propose defendant No.19, 21 and 22.

(Anand S Kariyammanavar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

