

**IN THE COURT OF IV ADDL. SENIOR CIVIL JUDGE &
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.

FDP No.3/2022

THIS THE 9th DAY OF APRIL 2025

Petitioner/s : Smt.Nirmala D/o Puttappa Totagar.

(R/by Sri.R.I.S, Adv)

V/s.

Respondent/s: Smt.Parvatevva W/o Puttappa Totager and others.

(R5 R/by Sri.S.A.M, Adv)

PARTIES TO IA NO.VI

Applicant/s : Gangadhar V.Goravar.

(R5)

V/s.

Opponent/s: Smt.Parvatevva W/o Puttappa Totager.
(Ptrs)

ORDER ON IA NO.VI

The respondent No.5 filed this application under Order 8 Rule 1-A R/w Section 151 of CPC and sought to permit him to produce the documents along with list.

2. Further respondent No.5 filed an affidavit in support of this application and submitted that, documents which he intending to produce, recently traced out and non production of those document at the earliest is not intentional and he has already impleaded in this case as respondent No.5 thereby sought to allow the present application.

3. On the contrary, the counsel for the respondent No.1 to 4 filed objection to this application and contended that decree passed in OS No.557/2015 by Hon'ble Senior Civil Judge and CJM and judgment confirmed by the Hon'ble District and Session Judge, Dharwad in RA No.15/2018 both are incorrect, therefore he preferred an appeal before Hon'ble High Court of Karnataka in RSA No.101035/2022 and same is pending for consideration. Respondent No.5 is no way concerned to this case and deceased Susheela is not a party to the final decree proceedings and her

share is also not demarcated thereby sought to dismiss the present application.

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

5. The following points would arise for my consideration:

1. Whether the application filed by the respondent No.5 deserves to be allowed ?

2. What order ?

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

Point No.1: In Affirmative.

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

REASONS

7. **Point No.1:-** The petitioners filed this petition against the respondents to draw final decree as per judgment and decree passed in OS No.557/2015 and RA No.15/2018. During the pendency of this petition, respondent No.5 by filing necessary application got impleaded as respondent No.5 and in the present case respondent No.5 contended that his sister by name Susheela

Ashok Totagar had executed registered Will in his favour by bequeathing her 1/6th share in the suit properties, therefore he has impleaded in the present case and in order to decided lis between the parties, the documents produced by the respondent No.5 is very much necessary and the genuineness of the documents can be considered at the time of evidence. 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.VI filed by the respondent No.5 under Order 8 Rule 1-A R/w Section 151 of CPC is hereby allowed.

The respondent No.5 is hereby permitted to produce the documents. Call on 05.06.2025.

(Dictated to the stenographer directly on computer, typed by her, corrected by me and then pronounced in the open court this the **9th day of April 2025**).

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

For Order
09-04-2025

(Order pronounced in the open Court Vide separate Order)

ORDER

The IA No.VI filed by the respondent No.5 under Order 8 Rule 1-A R/w Section 151 of CPC is hereby allowed.

The respondent No.5 is hereby permitted to produce the documents. Call on 05.06.2025.

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

