

The advocate for plaintiff has filed application U/o.16 Rule 5 of C.P.C. for call for the details of payment of cheque bearing 5177492, 517757 dated 21.10.2020. Along with the application the plaintiff No.4 has filed affidavit stating that the defendants No.4 to 6 have not paid consideration amount to the plaintiff and cheated them. They have taken contention that the amount has paid through cheque, but they have not produced any documents. Therefore, direction to issue to the defendant No.6 for production of statement of account.

The advocate for defendants has not filed objection to the application.

Heard. The plaintiffs have filed this suit against the defendant claiming that the sale agreement of defendant No.3 dated 06.04.2005 is invalid, not binding on the legitimate share of plaintiffs. Further declared that alleged document No.P-173/2010-11, P-161/2010-11, P.-169/2010-11, which are registered in Sub-Registrar, Hubballi are illegal, not binding on the plaintiffs share.

The plaintiffs have claiming their share in respect of suit properties. If the defendant No.4 to 6 have not paid consideration amount, they have filed for suit for recovery of balance sale

consideration amount. Here the plaintiffs have claimed their legitimate share in respect of suit properties. Therefore, the question of call for the statement of account of defendants No.4 to 6 not require to decide question involved in this case and those statements not necessary to the plaintiffs or defendants. Hence, application filed by advocate for plaintiffs U/o.6 Rule 17 of C.P.C. is hereby dismissed with cost of ₹500/-.

Prl. Senior Civil Judge, Hubballi.