

IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE & J.M.F.C., HUBBALLI

Present:

SMT. SARVAMANGALA K.M.,
B.A. LL.B.,
I Additional Senior Civil Judge and JMFC.,
Hubballi.

R.A. No.47/2023

Dated this the 02nd day of January, 2026

*Plaintiff/s : Sri. Nemichand S/o Ramappa
Kagenavar.*

.Vs.

*Defendant/s : Hanumantagouda S/o
Ramanagouda Danappagoudar.*

PARTIES TO I.A. No.VIII

*Applicant/s : Sri. Nemichand S/o Ramappa
Kagenavar.*

.Vs.

*Opponent/s : Hanumantagouda S/o
Ramanagouda Danappagoudar.*

- i. Provision under which : Under Sec.151 of CPC
application is filed*
- ii. Relief sought for : Seeking to direct the
Respondent No.1(a) and 1(b)
to furnish the address of the
respondent No.1(c) and 1(e),
who are remaining legal*

heirs of deceased
respondent.

- iii. *The date on which : 04.11.2025
application is filed*
- iv. *Number of the : VIII
application*
- v. *The date on which : 27.11.2025 (by R.1(a) & 1(b)
objections are filed by
different opponents*
- vi. *The date on which : 02.02.2026
orders were passed on
the said application*

ORDERS ON I.A. No.VIII

The Appellants have filed I.A. No.08 under Section 151 of C.P.C., seeking to direct the Respondent No.1(a) and 1(b) to furnish the address of the respondent No.1(c) and 1(e), who are remaining legal heirs of deceased respondent.

2. *The respondent No.1(a) and 1(b) has filed objections.*

3. *Heard both side.*

4. *The points for consideration are as follows:*

1. *Whether the direction as prayed
for can be granted ?*

2. *What order ?*

5. *My findings on the above points are as follows:*

Point No.1 : In the Affirmative.

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

REASONS

6. **Point No.1:** *The present application is supported by memo of facts. It is stated by the counsel for the appellants that the top noted case is fixed for steps to respondent No.1(c) to 1(e). But the appellants are unknown to these respondents addresses. Non-furnishing the details of legal heirs is not intentional or deliberate one. But it is due to unavoidable circumstances. If the application is not allowed appellant will be put to great hardship and irreparable loss. If allowed there is not hardship will be caused to otherside. Hence, prayed to allow the application.*

7. *The objections of the respondent No.1(a) and 1(b) is that the contents of the application and accompanying memo of facts filed by the appellants are false and baseless and the same are neither tenable in law nor in facts. The appellant's land and the respondent's land are adjacent to each other and the appellant had come to attend the marriage of the respondent's children. The daughters of appellants by name Leelavati, Lakshmi and Nanda and the places of their husbands are known to him. The appellant and*

respondent have known each other for many years and it is known that each other's family members have married. Since the appellant knew the places of the husbands of the respondent No.1(c) and 1(d) and 1(e), the appellant has not filed a certificate along with the application. Although the appellant knows the addresses of all the respondents No.1(c) to 1(e), the appellant has not submitted the details of the said addresses to the Court in due time, therefore, the said application should be dismissed.

8. *On careful perusal of the materials available on record it is noticed to the Court that the appellant has filed the present application under Sec.151 of CPC seeking issuance of direction to respondent No.1(a) and 1(b) to furnish the correct addresses of the respondent No.1(c) to 1(e), who are stated to be the remaining legal heirs of the deceased respondent.*

9. *Respondent No.1(a) and 1(b) have opposed the application contending that the applicant is well acquainted with the family of the deceased respondent and has knowledge of respondent No.1(c) to 1(e), and further contending that the application is not supported by an affidavit and only a memorandum of facts is filed. Hence, it is not maintainable under law.*

10. *On consideration of the rival submissions it is to be noted that the relief sought in the present*

application is only procedural in nature, intended to facilitate service of notice on the remaining legal heirs and to ensure effective adjudication of the appeal. The power under Sec.151 of CPC can be invoked to pass such orders as are necessary to meet the ends of justice.

11. The objection regarding non filing of an affidavit does not affect the maintainability of the application as the same is a curable defect. Mere contention that the applicant has knowledge of the remaining legal heirs, without furnishing their addresses cannot be a ground to deny the relief as sought.

*12. In the absence of the addresses of respondent No.1(c) to 1(e), further progress of the appeal would be impeded. Therefore, in order to avoid delay and multiplicity of proceedings, it is just and proper to direct respondent No.1(a) and 1(b) who are already on record to furnish the addresses of the remaining legal heirs. Hence, in view of the above this Court is of the opinion that the application filed by the present appellant is deserves to be allowed. Hence, I answer **point No.1 in the Affirmative.***

*13. **Point No.2:** In view of finding on point No.1, this court proceeds to pass the following:*

ORDER

The I.A. No.VIII filed by the appellant under Section 151 of C.P.C., is hereby allowed.

Consequently, the respondent No.1(a) and 1(b) are hereby directed to furnish clear details of respondent No.1(c) to 1(e) within next of hearing.

For furnishing details of the legal heirs of respondent No.1(c) to 1(e).

Call on 17.02.2026.

*(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the **02nd day of January, 2026**)*

sd/-

*(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and JMFC.,
Hubballi.*