

**IN THE COURT OF PRL. SENIOR CIVIL JUDGE & CJM,
GADG.**

**Present :- Smt.Preeti.S.Sadarjoshi,
B.A., LL.B.,
Prl. Senior Civil Judge & CJM.,
GADAG.**

Dated this 14th day of September, 2023.

O.S.No.147/2015

PLAINTIFFS:

1. Tarabai W/o Ishwarappa Manvi,
Age:100 years, Occ:Household work,
R/o Station Road, Opp:to Gadag – Betageri
Municipal Corporation, Gadag.
2. Deceased
Deleted from cause title as per order on memo
dated 20/11/2020
3. Nanda W/o Shivakumar Kadabadi,
Age:48 years, Occ:Housewife,
R/o “Nandaa”, Plot No.54, Opp:SBI ATM,
Vaibhav Nagar,
Belgaum – 590010.
4. Kirti W/o Arunkumar Kodali,
Age:46 years, Occ:Housewife,
R/o Plot No.29, Kira Buildig,
Basav Nagar, Ilkal, - 587 125
5. Arati W/o Rajesh Navar,
Age:44 years, Occ:Housewife,
Age:Adarsh Palm Retreat (Next to Intel)
Outer Ring Road, Devarbisanhalli, Villa 445
Bangalore.

6. Bharti W/o Rahul Amble,
Age:41 years, Occ:Doctor,
R/o Sector – 6, Plot No.210, Junimill Compound,
Umahousing Society, Moraji Peth, Solapur,
Maharashtra – 413001.

(By Sri M.S.Banad, Advocate)

-V/s-

DEFENDANTS:

1. Bharati W/o Ishwarappa Manvi,
Age:49 years, Occ:Household,
R/o Shabad, Near Sharan BasavIshwar Temple,
Yadgiri, Dist:Gulabaraga.
2. Malleshappa S/o Siddalingappa Manvi,
Age:42 years, Occ:Agriculture,
R/o Opp:GBMC, Gadag.
3. Jyothi W/o Pramod Desai,
Age:51 years, Occ:Profession,
R/o 73, “Apeksha” Shirur Park,
2nd Stage, Vidyanagar, Hubali – 31.

(D-1 by Sri B.M.S./P.S.R. Advocate)

(D-2 – Exparte)

(D-3 by Sri T.V.Hiremath, Advocate)

PARTIES TO IA.NO.24

PETITIONER:

Kirti W/o Arunkumar Kodli

V/S

RESPONDENTS:

Bharati W/o Ishwarappa Manvi

ORDERS ON I.A.No.24 FILED U/O 7 RULE 14(3) OF CPC

1. The learned counsel for the plaintiffs has filed I.A.No.24 for production of documents.

2. The said application is accompanied by the affidavit of the plaintiff No.4.

3. The defendant No.1 has filed objections to I.A.No.24 contending that the application is not tenable in eyes of law or on facts of the case. The documents are not necessary for effective adjudication of case. Hence, the defendant No.1 prayed to dismiss I.A.No.24.

4. Heard respective learned counsels on I.A.No.24.

5. Perused the materials available on record.

6. The points that arise for consideration and determination are as under:-

1. Whether production of documents by the plaintiffs is necessary for effective adjudication of suit?

2. What order?

7. This Court answer the above points as under:-

Point No.1 In affirmative.

Point No.2 As per final order for the following

REASONS

8. **POINT No.1:-** This is a suit for declaration, partition and separate possession. The plaintiffs wish to produce documents in order to prove their case. If I.A. is not allowed, the plaintiffs will be put to irreparable loss and hardship. On the other hand, if I.A. is allowed, no loss or hardship will be caused to the defendants as the defendants will be given an opportunity to cross-examine the plaintiffs on this aspect. Hence, looking to the facts and circumstances of case, this Court inclines to answer point No.1 in affirmative.

9. **POINT No.2:** For the foregoing discussions, this Court proceed to pass the following:-

ORDER

I.A.No.24 filed U/O 7 Rule 14 (3) of CPC is allowed on payment of costs of Rs.750/- payable to the defendant No.1.

The plaintiffs are permitted to produce the documents as sought in I.A.No.24.

Learned respective counsels are directed to assist the Court for speedy and expeditious disposal of suit as the matter is of the year 2015 coming under the plan of action i.e. more than 7 years old.

(Dictated to the stenographer, transcribed and typed by him, corrected and then signed and pronounced by me in open Court on this 14th day of September, 2023)

(Smt. P. S. SADARJOSHI)
Prl. Senior Civil Judge and CJM.,
Gadag