

**IN THE COURT OF PRL.SENIOR CIVIL JUDGE AND
CJM, GADAG**

PRESENT

**SRI. G.R. SHETTAR., B.com. LL.B (Spl)
PRL. SENIOR CIVIL JUDGE AND CJM, GADAG**

DATED THIS 25TH DAY OF MARCH, 2026

O.S.No.93/2014

PLAINTIFF:

Vijaykumar S/o Ambasa Pujari.

(By Sri. V.M.Harlapur. Advocate)

Vs

DEFENDANTS:

Ramakrushnasa S/o Somanathsab Khode
and others.

(R/by Sri Y.R.Gudur, Advocate)

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PARTIES To I.A.No.23

**APPLICANT/
PLAINTIFF:**

Vijaykumar S/o Ambasa Pujari.

Vs

**OPPONENTS/
DEFENDANTS:**

Ramakrushnasa S/o S Khode and others.

i.	Provision under which the application is filed	U/o 16 Rule 1 and 6 R/w Sec.151 of CPC
ii.	Relief sought for	For issuing directions to Sub-Post Master, Hubli, to produce the documents
iii.	The date on which the application is filed	23/02/2026
iv.	Number of application	I.A.No.23
v.	Date on which objections is filed by different opponent/s	23/03/2026
vi.	Date on which the order is passed on the application	25/03/2026

ORDER ON I.A.23 U/O 16 RULE 1 & 6
R/W SEC.151 OF CPC

Applicant/plaintiff has filed this application praying for issuance of witness summons directing the Sub-Post Master, Head Post Office, Mahaveergalli, Hubli, Tq:Hubli, Dist:Dharwad to produce the documents i.e. account opening form, specimen signature/thumb impression, withdrawal slips in monthly income scheme of A/c No.4082023 belongs to account holder Mr.Jawaharlal Ambasa Pujari and to give evidence.

2. Application is supported by the affidavit sworn to by the plaintiff No.1(a), wherein it is contended that the original plaintiff Jawaharlal S/o Ambasa Pujari executed registered Will deed in his favour, on that basis, he has become the absolute owner of the suit properties. Earlier, suit properties were divided between Sumitrabai, Prameelabai, Gangubai on mutual consent, as per the same, he being the legal heir of Sumitrabai has succeeded to the said properties, except him, there is no any person to inherit the said properties. It is further contended that the defendants colluding with each other have created a false document, so, the plaintiff challenged the same by filing the suit. It is further contended that during pendency of the suit, original plaintiff executed a Will in favour of the applicant, he has produced the original Will and also examined the attesting witnesses and scribe. The original plaintiff Jawaharlal, after suffering from paralysis attack, he used to put his thumb impression and he has put his thumb impression on the Will also, but the defendants are denying the same and

contending that the original plaintiff Jawaharlal used to put signatures and not thumb impressions. Said original plaintiff Jawaharlal was withdrawing the amount under Monthly Income Scheme from the A/c No. 4082023 from the postal department, in the said account i.e., specimen signatures, withdrawal slips, he used his thumb impression, as such, to prove the Will produced in this case, said documents are very much necessary. Though this applicant applied to the Postal Authorities to produce the documents, but, they have not supplied the same and given endorsement stating that personal account details cannot be supplied. Hence, applicant has constrained to file this application.

3. The defendants have opposed the application contending that the alleged Will relied by the applicant is false and created, there is no need to call for the documents for verification as sought for, no valid grounds are assigned by the applicant. Hence, prayed for dismissal of the application with cost.

4. Heard the arguments.

5. The points arise for my consideration are:

P O I N T S

- I. Whether the applicant/plaintiff has made out sufficient grounds to allow the application and to call the documents as prayed for?
- II. What order ?

6. My findings on the above points are:

POINT No.I : In the Affirmative.

POINT No.II : As per the final order
for the following:

R E A S O N S

7. **POINT No.I:** Applicant has contended that the original plaintiff Jawaharlal Pujari has executed a Will in his favour, wherein he has put his thumb impression, but the defendants are denying the said Will and contended that original plaintiff used to put his signature but not thumb impression. The applicant has produced the Will and adduced the evidence of the witnesses. However, thumb impression and signatures of the original plaintiff are available in the account maintained by him in the Postal Department, wherein, the original plaintiff used to withdraw the amount from the Monthly Income Scheme under A/c No.4082023, as such, same are required to be called for. Per contra, the

defendants have opposed the application and contended that no valid grounds are assigned to call the said documents.

8. I have gone through the entire material carefully. Applicant is contending that he is relying on the Will said to have been executed by the original plaintiff in his favour, wherein, the executant of the Will has put the thumb impression, but the defendants have denied the execution of the Will and contended that the original plaintiff Jawaharlal used to put the signatures, but not the thumb impression. Under such circumstances, the applicant felt that he has to prove that the original plaintiff used to put thumb impression after he attacked by paralysis and as the deceased original plaintiff used to put the thumb impression for withdrawal of the amount from the postal department and the said documents are very relevant and useful for his case. The defendants though opposed the application, but not stated what injustice will be caused to the applicant if the documents pertaining to the original plaintiff are called for. Therefore, I am of the

considered opinion that the applicant has made out sufficient grounds to allow the application. Hence, point No.I is answered in the Affirmative.

9. **POINT No.II**: As discussed above, I proceed to pass the following:

ORDER

I.A.No.23 filed by the applicant/plaintiff U/o 16 Rule 1 and 6 R/w Sec.151 of CPC is allowed.

Issue witness summons to the Sub-Post Master, Head Post Office, Mahaveergalli, Hubli, Tq:Hubli, Dist:Dharwad to produce the documents i.e. account opening form, specimen signature/thumb impressions, withdrawal slips in monthly income scheme of A/c No.4082023 belongs to account holder Mr.Jawaharlal Ambasa Pujari and to give evidence.

No order as to cost.

(Dictated to Stenographer, transcribed and typed by him, printed, then corrected and pronounced by me in the open court on this **25th day of March, 2026**)

Sd/-
(G.R. SHETTAR)
Prl. Senior Civil Judge & CJM.,
GADAG