

IN THE COURT OF PRL CIVIL JUDGE AND JMFC.,**SAKALESHPURA****:-Present:-****SRI LAKSHMI NARASIMHA R.V**, B.A.L., L.L.B.,

Prl. Civil Judge & JMFC., Sakaleshpura.

Dated : 28th Day of February, 2026**O.S. NO. 53/2018**Plaintiff : Smt. Kavitha and others
V/s

Defendants : Sri. Ravindra and others

IA. NO.XIXApplicant : Smt. Kavitha and others
V/s

Opponent : Sri. Ravindra and others

**ORDERS ON APPLICATION FILED BY PLAINTIFF
UNDER ORDER XVI RULE 6 R/w SECTION 151 OF CPC**

The plaintiffs have filed this application when the matter is posted for arguments. The plaintiffs have filed this application under order XVI Rule 6 of CPC praying this court to call for Birth records and Hospital records in respect of plaintiff No.2 and 3 from Jyothi Nursing and Maternity Home Hospital, Bengaluru, and adduce evidence.

2. Plaintiff No.1 in the affidavit accompanied along with application has stated that they have filed the present suit for the relief of partition and separate possession. Plaintiff No.2 and 3 were born at Jyothi Nursing and Maternity Home Hospital, Bengaluru. At the time of admission to the Hospital, the husband of plaintiff No.1 by name Anil Kumar J. had given all the details to the hospital. Hence, it is very much necessary to call for original records from the Hospital and adduce evidence to that effect. Hence it is just and necessary to prove the relationship of plaintiffs and Anil Kumar J. If the application is not allowed, they would put to irreparable loss and injury. Accordingly prayed to allow the application.

3. The defendants have filed objections by stating that plaintiff No.1 is not the legally wedded wife of deceased J. Anil Kumar. One A.P. Parvathi @ Pavana is the wedded wife of J. Anil Kumar and their marriage was recorded before the office of Sub-Registrar, Sakaleshpura on

27.05.1998. PW-1 in the cross examination has deposed that their marriage was solemnized on 12.11.2000. Hence, the present application is not maintainable. There is no sufficient ground to call for the document. The defendant have filed this application only to protract the proceedings. Hence prayed to dismiss the application.

4. Heard arguments.

5. In light of the above contentions, the infra points that would arise for my consideration.

1. Whether plaintiffs have made out the grounds to allow the application?

2. What order?

6. My findings on the above points are as under:

Point No.1 : In the *Affirmative*.

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

REASONS

7. **Point No.1** : The plaintiffs have filed the present suit for the relief of partition and separate possession in respect of the suit schedule properties. It is the contention of plaintiff

No.1 that she is the legally wedded wife of deceased Anil Kumar J. On the other hand, the defendants have denied very relationship of plaintiffs and deceased Anil Kumar J. The plaintiffs have contended that plaintiff No.2 and 3 were born on 23.03.2001 at Jyothi Nursing and Maternity Home Hospital, Bengaluru. The learned counsel for the plaintiff has also produced copy of the Birth certificate issued by the hospital. On perusal of the written statement and evidence of the defendants, it appears that they have denied the very relationship of the plaintiffs with the said Anil Kumar J. Hence, in order to determine the real crux of the issue in question, this court is of the opinion that, it is necessary to call for medical records of the plaintiffs from the said Hospital which would be helpful in adjudicating the case. The objections raised by the defendants is a matter of trial. It cannot be adjudicated while considering the application. Accordingly ***Point No.1*** is answered in the ***Affirmative***.

9. Point No.2: For the above discussed reasons, this court proceeds to pass the following:

ORDER

The application No. XIX filed by the plaintiffs under order XVI Rule 6 R/w Section 151 of CPC is hereby allowed.

Office is directed to issue intimation to Jyothi Nursing and Maternity Home Hospital, situated at Popular building, Ist main, Peenya 2nd stage, Bengaluru-560058 to submit the original medical records of plaintiff No.2 and 3 by name Sudeep and Sandeep children of Kavitha born on 23.03.2001, issued birth certificate under reference No. 902/2001.

Since it is an old case, issue hand summons to the plaintiffs to

summon the same on the hospital and in turn the management of the hospital, shall send the Medical records if any in a sealed cover duly signed through Speed post immediately without any delay.

The plaintiffs shall pay the prescribed fee if any.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 28th day of February, 2026]

[Lakshmi Narasimha R.V,
Prl. Civil Judge and JMFC,
Sakaleshpura.