

IN THE COURT OF CIVIL JUDGE & J.M.F.C.,
SHIGGAON

PRESENT: **SMT. MAMATHA D., B.Sc., LL.B.**
Civil Judge & JMFC, Shiggaon

DATED THIS THE 29th DAY OF OCTOBER, 2015

O.S. No. 218/2014

PLAINTIFF : The Gram Panchayat, Hire-Bendigeri,
Rep.by its Panchayat Development Officer,
Sri Nrupathi B. Bhoosareddy,
Age: 33 years, Occ: Service,
R/o Hire-Bendigeri,
Tq: Shiggaon, Dist: Haveri.

(Rep. by Sri. S.T.Patil, Adv.)

-- V/S --

DEFENDANTS:1) WIND WORLD (INDIA) LTD. Previously
known as : ENORCON (IND) Ltd,
rep.by its Manager : B.Srinivas,
Age: 33 years, Occ: Manager,
Head Office: Millenium Building,
Millar Road, Vasant Nagar, Bangalore,
Branch Office: Renuka Nilaya, Desai Plot,
Behind APMC, Shiggaon-581205.

2) Sri Ankush N. N.
S/o Nagaraj N.M.
Age: 22 years, Occ: Coolie,
R/o Kadabina Bailu, Tq: Narasimharajpur
Dist: Chikka-Magaloor,
C/o Enorcon India Ltd. Renuka Nilaya,
Behind APMC, Shiggaon.

3) Sri Pramod S/o Shankar Naik
Age: 23 years, Occ: Coolie,

R/o Hervali, Tq: Honnavar,
Dist: Uttar Kannada, Camp at:
C/o Enorcon India Ltd. Renuka Nilaya,
Behind APMC, Shiggaon.

- 4)Lalpur Wind Energy Pvt Ltd.
Having its Regd. Office at: The IL & FS
Financial Centre, Plot No.22, G.Block,
Bandra-Kurla Complex, Bandra East,
Mumbai-400051.
- 5)Sri Gokul S.Somapurakar
Age: 24 years, Occ: Coolie,
R/o Hosahalli, Tq: Yallapur,
Dist: Uttar Kannada, Camp at:
C/o Enorcon India Ltd. Renuka Nilaya,
Behind APMC, Shiggaon.
- 6)Sri Irappa S/o Veerabhadrappe Bendigeri
Age: 40 years, Occ: Agriculture,
R/o Teertha, Tq: Kundagol, Dist: Dharwad.
- 7)Sri Shiddappa S/o Dyavappa Dyavannavar
Age: 60 years, Occ: Agriculture,
R/o Hire-Bendigeri, Tq: Shiggaon.
- 8)Sri Veerappa S/o Maadevappa Myageri
Age: 43 years, Occ: Agriculture,
R/o Hire-Bendigeri, Tq: Shiggaon.
- 9)Smt Neelavva W/o Basappa
Adrasheppanavar
Age: 60 years, Occ: Agriculture,
R/o Hire-Bendigeri, Tq: Shiggaon.
- (Rep. D-1 by Sri GSA, Adv.)**
(D-7, 8 by Sri CBP, Adv.)
(D-2 to 6, 9 Exp.)

ORDER ON I.A.NO.3

This is an application filed by the plaintiff on I.A.No.3 under Order 7, Rule 14(A) r/w section 151 of Civil Procedure Code seeking permission to produce the documents as per list in the interest of justice.

2. The brief contents of the affidavit of I.A.No.3 is as follows:

The plaintiff submits that the defendants are the beneficiaries under the NA orders, but not chosen to produce any copy of NA orders and relevant records as to compliance of the conditions imposed by the D.C.Haveri and as such hereby producing the certified copy of orders of NA passed by the D.C. Haveri, in LNA/CR No.105/2012-13, 106/2012-13, 107/2012-13, 161/2012-13, 176/2012-13, 192/2012-13, 193/2012-13, 272/2012-13, 276/2012-13, to take action for violation of the NA orders are produced. Hence, prays to allow the application.

3. The defendant No.1 has filed objections to application on I.A.No.3 stating that the plaintiff has not given proper reasons for furnishing the documents. The said documents are nowhere related to the suit property. Hence, prays to dismiss the application.

4. Heard on arguments. Perused the record.

5. The points that arise for my consideration are:

1) Whether the plaintiff has made out sufficient ground to allow the application on I.A.No.3?

2) What order?

6. My answers to the above points are:

Point No.1 : In the Affirmative,
Point No.2 : As per the final order
for the following,

REASONS

7. Point No.1 :- This is a suit filed by the plaintiff seeking for the relief of permanent injunction against the defendant. The defendant No.1 is a benami business man and assisting for illegal production of electricity from the wind turbines. The defendant No.2 to 6 have given an undertaking to the Deputy commissioner, Haveri, to keep themselves abided by the said conditions imposed by the D.C.Haveri. The said order shall suspended even without any further notice. The plaintiff has furnished the certified copy of orders of D.C.Haveri, as narrated above in the affidavit of plaintiff. On the other hand, the defendant has specifically objected that there is no proper reason assigned for furnishing those documents by the plaintiff. The said documents are certified copies of the orders of the D.C.Haveri and those are public documents. At this stage, those documents are required or not can not be assessed it requires trail. If the said documents are not allowed hardship would be caused to the

plaintiff. On the other hand, no hardship would be caused to the defendants if it is allowed. Therefore, it is just and necessary to allow the application in the interest of justice. Hence, I answer the point No. 1 in the Affirmative.

8. Point No.2: From the above discussions, I proceed the following;

ORDER

The application filed by plaintiff on I.A.No.3 under order 7 Rule 14 r/w section 151 of CPC is hereby allowed on cost of Rs.100/-.

(Dictated to steno, transcribed and typed by her, then corrected, signed and then pronounced by me in the open Court on this the 29th day of October, 2015).

**(Mamatha D.)
Civil Judge and JMFC,
Shiggaon.**

