

ORDER ON I.A.NO-7 FILED UNDER

ORDER 16 RULE 6 OF CPC.

The plaintiff has filed the present application for issuing summons to the Branch manager of Pragati Krishna Gramin Bank Station Ganagapur Branch for production of Bank statement of account number 11082100008454.

2. The legal heir of the original plaintiff/applicant has contended that, during the pendency of the suit the mother of the applicant has died. The applicant come to know that, due to oversight the mother of the applicant has not included the amount standing in the name of the grandfather of the applicant i.e., Hanamant is not included in the present suit. The applicant has recently come to know about the said facts. The defendant No-1 and 2 in collusion with the bank authorities are trying to get the amount from the bank. The applicant has requested the bank authorities for providing the statement of her grandfather. The bank authorities are not

ready to give the statement. On the said material grounds the applicant has prayed for allowing the present application.

3. The defendants have filed their objections by denying the grounds of the application. The defendants have contended that, the applicant is alone not entitled to take the amount standing in the name of the Hanamant. The Hanamant is having a loan which is given by the defendant No-2. The plaintiff in order overcome the said loan amount has filed the present application. On the said material grounds the defendants have prayed for rejection of the present application.

4. Heard the arguments.

5. Perused the records, the plaintiff has filed the present suit for the relief of partition and separate possession against the defendants. The applicant has contended that, due to oversight the amount standing in the name of the grandfather of the applicant was not included in the present suit. The

applicant has produced the copy of bank passbook of the Hanamant. Hence considering the grounds of the application and nature of the suit and stage of the case and nature of the document sought I am of the opinion that, the present application is required to be allowed.

Hence IA No-7 filed by the plaintiff is hereby allowed.

Senior Civil Judge and JMFC,  
Afzalpur.