

**ORDER ON I.A.No.VIII Filed under Order-16**  
**Rule-6 of C.P.C.**

This order arises out of IA.No.VIII filed by plaintiff under Order-16 Rule-6 of C.P.C, to summon for production of documents required for the suit, in support of which the plaintiff filed an affidavit stating that the defendant No.1 has illegally transferred the suit property in his name and he has not produced any document which were in his possession at the a time of transferring the suit property, the plaintiff has obtained certified copies from the concerned Tahasildar office Afzalpur.

2. It is further stated that he has produced the documents before the court and got same marked and defendant No.1 has created and forged signature of Smt. Basamma W/o Siddaramappa goushetty and got the suit property to his name and the plaintiff has prayed to summon the Tahasildar to produce the said documents before the court, hence the said documents are necessary in this case hence prayed to allow above I.A.

3. The defendant has filed objection above I.A. contending that the above I.A. is not maintainable

and the plaintiff can obtain certified copies of application and mutation from Tahasildar office Afzalpur and the above application is filed in order to drag the matter hence prayed to dismiss the above I.A.

4. Heard the application following points arise for effective disposal of relief claimed in application.

1. **Point No.1: Whether plaintiff is entitled the relief claimed in I.A.No.VIII?**

**2. Point No.2 : What order?**

### **REASONS**

5. **Point No.1:** The specific contention of the plaintiff is that the defendant No.1 has illegally transferred the suit property in his name and he has not produced any document which were in his possession at the a time of transferring the suit property, the plaintiff has obtained certified copies from the concerned Tahasildar office Afzalpur and that he has produced the documents before the court and got same marked and defendant No.1 has created and forged signature of Smt. Basamma W/o Siddaramappa Goushetty and got the suit property to his name and the plaintiff has prayed to summon the Tahasildar to produce the said documents before the court, hence the said documents are

necessary in this case hence prayed to allow above I.A.

6. The plaintiff has filed the present suit against defendants for the relief declaration of ownership and perpetual injunction.

7. The plaintiff has contended that defendant No.1 has created and forged signature of Smt. Basamma W/o Siddaramappa Goushetty and got the property transferred to his name. The plaintiff is not aware what was the documents on which the defendant No.1 has created and forged document of Smt. Basamma W/o Siddaramappa Goushetty, when that is the case and in the absence of specific name of the document, it is not possible to issue summons to the Tahasildar Afzalpur to produce forged documents. If at all there is any forgery, it is open for the plaintiff to initiate criminal action. Therefore it is not proper to issue summons to the Tahasildar Afzalpur for production of unnamed and un described documents. If at all the summons is issued to the Tahasildar, it will be waste of precious time of court, hence I answer point No.1 in the '**Negative**'.

8. **Point No.2:** In view of the above discussion I proceed to pass the following...

**ORDER**

I.A No.VIII filed under Order-16 Rule-6 of C.P.C. by plaintiff is hereby dismissed.

For Cross of D.W.1 by.

Civil Judge & JMFC, Afzalpur.