

**Order on IA No.11 filed under Order 16 Rule 6 and
R/w 151 of Civil Procedure Code.**

1. The defendant filed interim application praying to call for the records as shown in the application from the the office of Tahsildar grade 2 Chincholi in the interest of justice and equity.

2. In the affidavit it is stated that plaintiff have produced the documents that is the voter list and other documents. The voter list is not genuine document and it is created document. To verify the correctness the correctness of documents it is necessary to call for the documents i.e., Voters list for the year 1998 of Legislative Assembly 7-Chincholi of village Nidagunda part No.170 & 169 with additional correction list 1999 and From No. 6 Application for entering the name at serial No.1045 and 1046 of village Nidagunda part 1 and copies of the documents submitted along with application for inserting the name at serial No.1045 and 1046 in the voter list and other documents pertaining to the said entries. Hence prayed to allow the application.

3. Learned counsel for the plaintiff filed objections contending that the application is filed for prolonging the case. The document produced by the plaintiff is issued by the Tahasildar and therefore there is no necessity for calling the same documents. Hence prayed to reject the application.

4. Heard and perused the materials on record.

5. On the basis of materials on record, the following points arise for consideration:

1. Whether the defendant has made out reasonable grounds to allow the application?
2. What Order?

6. My Answers to the above points are as under:

1. Point No:1- In affirmative
2. Point No:2- As for final Order

for following reasons.

: REASONS :

7. The plaintiff has filed this suit seeking Partition and Separate possession and the plaintiff has got marked the exhibit P14 to P16 on 26-07-2024. The exhibit P14 to 16 are the voter list, Aadhar card and passbook. The Exhibit P16 is certified document but it is the amended list pertaining to the year 1998. In exhibit P16 it is shown that the original

list of the year 1995. In this case the defendant has specifically denied the relationship of plaintiff with deceased Sayappa. Hence on perusal of entire materials on record, it shows that it is necessary to call for documents in support of case of defendant defense. Therefore in the interest of justice and equity the interim application is necessary to be allowed. Thus I answer point No1 in the affirmative.

8. In view of findings on point No.1, I proceed to pass the following:

: ORDER :

The interim application filed by the defendant under Order 16 Rule 6 R/W 151 of CPC is hereby allowed.

Issue notice to Tahsildar grade 2 Chincholi to produce the Voters list for the year 1998 of Legislative Assembly 7-Chincholi of village Nidagunda part No.170 & 169 with additional correction list 1999 and From No. 6 Application for entering the name at serial No.1045 and 1046 of village Nidagunda part 1 and copies of the documents submitted along

with application for inserting the name at serial No.1045 and 1046 in the voter list and other documents pertaining to the said entries.

Call on:14-10-2024.

**Senior Civil Judge & JMFC.,
Chincholi.**