

IN THE COURT OF SENIOR CIVIL JUDGE & CJM
AT KOPPAL

OS 16/2021

31-05-2023.

ORDER ON I.A.X

The plaintiff has filed the application U/o 16 rule 10 R/w Sec.151 of CPC to issue warrant against the “The Commissioner, Pattan Panchayath Bhagyanagar” in the interest of justice.

2. In affidavit sworn to by the plaintiff that, she has filed the suit against the defendants for the relief of Declaration and Perpetual Prohibitory Injunction and Mandatory Injunction in respect to A & B schedule properties. This Court has issued summons to Commissioner, Pattan Panchayath Bhagyanagar to produce the documents. In spite of service of summons he could not produce the documents nor he appeared before the Court. Hence she prayed to allow the application and issue arrest warrant against the Commissioner.

3. Objection not filed.

4. Heard and Perused.

5. Instant case, IA No.9 filed by the plaintiff to issue summons to the Commissioner, Pattan Panchayath Bhagyanagar to produce the certified copies of the mutation extract and the said application was allowed and summons

issued to the witness which was served and he failed to produce the documents. Thereafter this application has been filed.

6. As per order 16 rule 10 (1) of CPC, where a person to whom a summons has been issued either to attend to give evidence or to produce a document, fails to attend or to produce the document in compliance with such summons, the Court,

a) shall if the certificate of the serving officer has not been verified by affidavit, or if service of the summons has been effected by a party or his agent or,

b) may, if the certificate of servicing officer has been so verified, examine on oath the serving officer or the party or his agent, as the case may be, who has effected service, or cause him to be so examined by any Court, touching the service or non-service of the summons.

7. As per the order 16 Rule 10 (2) of CPC, where the Court sees reasons to believe that such evidence or production is material, and that such person, without lawful excuse, failed to attend or to produce the document in compliance with such summons or has intentionally avoided service, it may issue a proclamation requiring him to give evidence or to produce the document at time and place to be named therein, and a copy of such proclamation shall be affixed on the outer door or other conspicuous part of the house in which he ordinarily resides.

08. Instant case, summons to witness served personally and in this regard the Bailiff filed the report. But the witness failed to produce the documents which are material without any lawful excuse in compliance with the summons. Under the above circumstances, it is just and necessary to issue a proclamation against the witness requiring him to produce the documents before the Court. Accordingly the present application is deserves to be allowed in the interest of justice. In the result I proceed to pass the following.

ORDER.

I.A No.10 filed by the plaintiff U/o.
16 Rule 10 (2) R/w Sec. 151 of CPC is
hereby allowed.

Issue proclamation against the
Commissioner, Pattan Panchayath,
Bhagyanagar if PF paid and copy of the
such proclamation shall be affixed on the
outer door or other conspicuous part of
the Pattan Panchayath, Bhagyanagar,
where the witness is doing work.

R/by:17-07-2023.

Sd/-

**Senior Civil Judge & CJM,
Koppal.**