

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & J.M.F.C.,
NAGAMANGALA**

PRESENT:

**Sri. Shivaraju H.S.
B.A.Law., L.L.B,**

Prl. Civil Judge & JMFC, Nagamangala.

DATED THIS THE 14th DAY OF JANUARY-2026

O.S.No.193/2021

PLAINTIFF : Pramila P.

Versus

DEFENDANTS : Manjaiah and others

PARTIES IN IA No.V

**APPLICANT/
1st DEFENDANT : Manjaiah**

(By Sri.M.E.H., Advocate)

Versus

**OPPONENT/
PLAINTIFF : Pramila P.**

(By Sri.H.S.L., Advocate)

ORDER ON IA No.V

The advocate for applicant/plaintiff has filed this application U/o XII Rule 5 R/w Section 151 of C.P.C seeking to issue notice to furnished particulars of LR's of deceased father of defendants.

2. The application is appended with the affidavit of plaintiff. In the affidavit, it is stated that, the plaintiff has filed suit against defendants for the relief of specific performance of contract. The defendant No.2 has filed written statement by contending in para No.5 that, the plaintiff has not made Shahin, Shakila, Shajad, Dilshad, Yasmin, Mohammed Khaleel and Yasmin has not made parties in the present suit, who are successors of father of defendants. As such, plaintiff has filed this application to issue notice to defendants to furnish address and other particulars of said successors of father of defendants. It is also stated that, if the application is rejected, untold hardship would caused to the plaintiff. On other other hand, if the application is allowed, no hardship would caused to the defendants. Hence, it is prayed to reject the plaint.

3. The plaintiff has filed objection to the application. In the objection it is contented that, there is no valid grounds to allow the application. However, defendant No.2 has furnished address details in the said objection.

4. Heard and perused the entire records of the suit.

5. Upon hearing arguments and on perusal of materials placed on record, the following points that arise for consideration:

POINTS

1. Whether there are sufficient grounds to allow the application?
 2. What Order?
6. My findings to the above points are as under:-

Point No.1 : In the Negative,

Point No.2 : As per final order for the following:-

REASONS

7. **Point No.1:-** The plaintiff has filed this suit against the defendants for the relief of specific performance of contract.

8. Before going to the merits of the application, it is relevant to refer the provisions of Order XII Rule 5, which reads as follows;

9. Here, as per the above referred provisions, it is clear that entire provisions of Order XII is relating to admission of case, facts, documents and form of admission as provided under Form No.10 and 11 in Appendix-C. No such provision is available to issue notice to furnish address of other parties. So, at the very outset, no

such direction can be issued to the notice by invoking the provisions of Order XII. However, defendant No.2 has furnished the details of remaining successors of father of defendants. Accordingly, the plaintiff is at liberty to make use of the same to work out his remedy in accordance with law. As such, there is no valid grounds to allow the application. ***Hence, this court answered the Point No.1 is in the Negative.***

10. **Point No.2:-** In view of this court findings on Point No.1, this court proceed to pass the following:-

ORDER

I.A.No.V filed by the applicant/plaintiff
under Order XII Rule 5 R/w Section 151 of
C.P.C. is hereby rejected.

No order as to cost.

(Dictated to the Stenographer directly on the computer typed by him, corrected and pronounced by me in the open court on this the 14th day of January 2026).

**(Shivaraju H.S.)
Prl. Civil Judge and JMFC,
Nagamangala.**
