

ORDERS ON I.A. 15

This I.A. filed by the defendant No. 1 U/o 16 Rule 1 and 6 of CPC seeking to issue summons to the witness for production of documents mentioned in the application.

In the affidavit D1 submitted that the documents sought for the production are very much necessary to prove his case if application is rejected he will be in a grate hardship and injury and prays to allow the application.

On the other hand plaintiff filed objection and contended that the D1 had filed same application before the court and taken summons to Deputy Tahasildar for the production of documents. Deputy Tahasildar appeared before the court and furnish documents as sought by the D1. In spite of the same the D1 again filed this application to drag on the

proceedings and prays to dismiss the application.

Heard both side. Perused entire record.

Order sheet reveals that the D1 had summoned to Deputy Tahasildar, Yelawala Hobli, for the production of documents as sought in I.A. No. 14. By order of this court One Kubera, Deputy Tahasildar, Yelawala Hobli, Mysuru Taluk appeared before the court and produced an endorsement stating that there is no entry of particulars sought for in the register. As such the endorsement produced by the deputy Tahasildar has not been marked as exhibit before the court. Therefore the D1 again filed this I.A. seeking summons to Tahasildar for the production of documents as sought in the I.A. Based on the above said observation it transpires that inspite of repeated efforts made by the D1 the documents sought though produced has not been marked on his

favour. Therefore in order to avoid multiplicity of proceedings and opportunity should be given to the D1 to prove his case application is liable to be allowed on cost. Hence, I proceed to pass the following:

ORDER

I.A. No. 15 filed by the D1 U/o 16 Rule 1 and 6 of CPC is hereby allowed on cost of Rs. 500/-.

Issue summons to the Tahasildar, Mysuru taluk, Mini Vidhanasoudha, Nazarbad, Mysuru for the production of I.H.R No. 10/1995-96 pertaining to Sy. No. 19/1 of Bommanahalli Village, Yelawala Hobli, Mysuru Taluk, if PF paid call on 02.12.2022.

Sd/-
Judge,
Court of Addl. S.C., &
Mysuru