

ORDERS ON I.A.16

This I.A. filed by the defendant No. 1 U/o 16 Rule 1 and 6 of CPC seeking to issue summons to the Tahasildar, Mini Vidhan Soudha, Nazarbad, Mysuru for production of documents mentioned in the application.

2. 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.

3. On the other hand the plaintiff and defendant No. 2 filed their objections separately and contended that the D1 had filed same applications before the court and taken summons to Tahasildar and Deputy Tahasildar for the production of documents. Tahasildar and Deputy Tahasildar appeared before the court and furnish documents as sought by the D1. Inspite of the same the D1 again and again filed

this application to drag on the proceedings and prays to dismiss the application.

4. Heard both side. Perused entire record.

5. Order sheet reveals that the D1 initially had taken summons 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. Thereafter the defendant No. 1 again filed I.A. No. 15 seeking to issue summons to the Tahasildar, Mysuru Taluk for the production of same documents. By allowing I.A. No. 15 this court again summoned to the Tahasildar for the production of documents sought by defendant No. 1. In pursuance of summons, one Purushotham, F.D.A. of Tahasildar appeared on 02.12.2022

and furnish an endorsement stating that there is no entry of particulars sought by the defendant No. 1 in IHR register. In spite of the same the defendant No. 1 again filed this I.A. seeking summons to Tahasildar for the production of documents as sought in the I.A.

6. Based on the above said observation it transpires that when there is no particulars in the IHR register maintained by the Tahasildar, no purpose will be served if again the summons would be issued to the Tahasildar seeking for production of same documents. Ordersheet reveals that the case is posted for defendant evidence. At this stage the defendant No. 1 in spite of leading his evidence filed same I.A's seeking for the production of same documents cannot be accepted. As such the defendant No. 1 has not made out any ground to allow the application. Thus no prejudice will cause to defendant No. 1 if application is dismissed. Hence, I proceed to pass the following:

ORDER

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

Call for defendant evidence finally on 26.10.2023.

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