

ORDERS ON I.A.No. III

The plaintiff/applicant has filed I.A.No.III under order 16 rule 6 of CPC praying to summon the documents from office of the Sub registrar, H.D.Kote.

2. In support of their application the plaintiff filed affidavit and sworn that the plaintiff had filed the present suit against the defendant for the relief of **declaration of ownership**, Cancellation of sale deed dated 26.11.2020 and permanent injunction. The defendant who is the son in law of the plaintiff by misrepresentation in undue influence had got the sale deed in respect of entire suit property wherein the agreement between the parties was to sell only ground floor. In order to prove the transaction is doubtful being inadequate it is necessary to prove the market value of the suit property which is more than 40 lakhs as per the guide line fixed by the government. Hence, it is necessary to summon the sub register H.D.Kote to produced the valuation report of the suit property in the year 2020 and depose on it. Hence he prays to allow the applications.

3. On the contrary the defendants filed objections containing that the reasons assigned by the plaintiff for summoning of those documents are not satisfactory. On these grounds prays to dismiss the applications.

4. Heard on both sides.

5. The point that would arise for my considerations is that:

1. Whether the plaintiff has made out sufficient grounds to summon the documents from the sub registrar, H.D.Kote?

2. What Order?

6. My finding to the above point or as follows:

Point No.1 :- In the Negative,

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

REASONS

Point No.1 :-

7. The plaintiff wants to summon the valuation of the suit property in the year 2020 which is kept in the course of business in the office of sub registrar, H.D.Kote and also the give evidence. The document sought to be summonsed by plaintiff is a public document maintained in a public office. Therefore, plaintiff may take certified copy of the valuation report and produce the same before the court in evidence. In my opinion, there is no necessity to summon the original document of valuation report to this court. On the other hand, if the original document is summonsed to the suit and kept in records, the work of the office of sub registrar will be affected as a copy of a said document can't be issued to any other person. Moreover unless the plaintiff had exhausted the remedy of applying for issuance of certified copy of public document he cannot maintain an application for summons of document. Therefore this court is of the opinion that the present application is devoid of merits and thus liable to be dismissed. Hence Point No.1 is decided in the Negative.

Point No.2:-

10. In view of the reasons assigned above, above, I proceed to pass the following order;

ORDER

I.A.No. III filed by the applicant /plaintiff is hereby dismissed on cost of Rs.200/- .

For P/F/E

Call On: 08.02.2023

(Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the open court on this the day of 24th day of January, 2023)

(NATARAJ YADAV .S)
Senior Civil Judge & J.M.F.C
H.D.Kote