



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC
AT K.R.NAGAR**

PRESENT: Sri. Aravindra B.C., *B.A., L.L.B.*,
Senior Civil Judge & JMFC,
K.R.Nagar.

Dated this the 16th day of December, 2025

O.S. No.30/2015

Plaintiffs : Smt. Jameela Bi and others

-V/s-

Defendants : Smt. Zaibunnisa and another

Parties to I.A.No.XXX

Applicant : Sri. Mohammed Rafi,
S/o Mohammed Ismail,
Aged about 46 years,
R/at: No.81/18, ward No.18,
Muslim Block, K.R.Nagar Town.

Plaintiff

(By Sri. B.K.S., Adv.)

-V/s-

Opponents : 1. Smt. Zaibunnisa,
W/o Late Nisar Ahmed,
Aged about 76 years,
R/at: Door No.720,
Hayathnagar, Mysore Road,



Holenarasipura Town,
Hassan District. **(Dead)**

2. Sri. Asif Ummer,
S/o Late Mohammed
Sheik Ameer,
Aged about 44 years,
R/at: Door No.1/1, 6th Cross,
K.M. Halli, Udayagiri,
Mysore-570019.
3. Sri. Syed Mansoor,
S/o Late Syed Hayath,
Aged about 48 years,
R/at: Door No.720,
Hayathnagar, Mysore Road,
Holenarasipura Town,
Hassan District.
4. Sri. Siddiq Ahamed,
S/o Late Nazeer Ahamed,
Aged about 45 years,
R/at: # 2, MIG, 4th Cross,
Udayagiri, Mysore-19.
5. Sri. Siddiq Ahamed Khan,
S/o S. Rafi Ahmed Khan,
Dead by LRs.
- 5(a). Smt. Ummehari,
W/o Siddiq Ahmed Khan
Aged abut 30 years.
- 5(b). Kum. Saad Umar Khan,
S/o Siddiq Ahmed Khan,
Aged about 11 years.



Represented by his minor guardian mother Ummehani.

5(c). Kum. Siddiqa Fathima
D/o Siddiq Ahmed Khan,
Aged about 6 years,
Represented by his minor guardian mother Ummehani.

5(d). Kum. Shafi Ahmed Khan,
S/o Siddiq Ahmed Khan,
Aged about 1 year.
Represented by his minor guardian mother Ummehani.

All are R/at: # 20/104,
Farm House, Muslim Block,
Krishnraja Nagar,
Mysore-571602.

6. Sri. Faiz Ahmed Khan,
S/o S. Rafi Ahmed Khan,
Aged about 28 years,
R/at: #20/104, Farm House,
Muslim Block, K.R.Nagar,
Mysuru-571602.

..... Defendants

(D1 by Sri. L.V.R., Advocate)

(D2 to D4 Exparte)

(D5(a to c), D6 by Sri. M.A.I., Adv.)

Provision under which the application is filed	Under Order 16 Rule 6 of CPC.
Relief Sought For	For summon and for issue direction



The date on which the application is filed	18.09.2025
Number of the application	IA No.XXX
The date on which the objection is filed by the different opponents	09.10.2025
The date on which the orders was passed on the said application	16.12.2025

**(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC,
K.R.NAGAR.**

ORDER ON IA.No.XXX

The learned counsel for the plaintiff after completion of evidence of both the parties has filed this application under Order 16 Rule 6 of CPC and prays for issue summons to register of marriage of Jamia Masjid, Shanivarasanthe and issue direction to president of Jamia Mazid, Shanivarasanthe, Somwarpet Taluk to produce the copy of the Nika nama.



2. In the affidavit, it is stated that the plaintiffs have filed the suit against the defendants for the relief of declaration to declare that the plaintiffs are the absolute owners of the schedule property and also sought for relief of cancellation of the registered document. Further it is stated that, the plaintiffs have produced the marriage certificate of the 1st defendant which is marked at Ex.P16 and the contents of the said document is in Urdu language and they have also produce the translation copy of the Nikanama. In the said document the signature of the husband of defendant was found. Hence, the said document is necessary to adjudicate the matter. Hence, prays for allow the application.

3. On the other hand, the defendants have filed objection and contended that, the marriage of the defendant No.1 is not in dispute. Hence, the question of



summoning the document is not required. Hence, they prays for reject the application.

4. Heard and perused the records.

5. On the basis of the above pleadings, the following points arise for consideration of this court:

1. Whether the application filed by the plaintiff is deserves to be allowed ?

2. What order?

6. My findings on the above points are as follows:

Point No.1 : In the Negative
Point No.2 : As per final order for the following :

REASONS

7. **Point No.1:-** The plaintiffs have filed this suit for declaration to declare that the plaintiffs are the absolute owners of the suit schedule property to the extent of East to West 100 feet and North to South 21.75 feet. Further



declare the gift deeds dated 03.11.2007 and sale deeds dated 15.03.2008 executed by the 1st defendant in favour of the 2nd and 3rd defendants, sale deed dated 02.12.2014 executed in favour of 4th defendant by the 2nd defendant, sale deed dated 23.01.2015 executed in favour of the 5th defendant by the 3rd defendant, sale deed dated 08.04.2015 executed in favour of the 6th defendant by the 4th defendant and sale deed dated 01.06.2015 executed in favour of the 5th and 6th defendants by the 1st defendant in respect of the suit schedule property are null and void and the same are not binding on the plaintiffs. The plaintiffs have also seeking the relief of permanent injunction restraining the defendants from interfering peaceful possession and enjoyment of the suit schedule property to the extent of East to West 100 feet and North to South 21.75 feet permanently.

8. On the other hand, the defendants have filed written statement and contended that, the suit of the plaintiffs is



not maintainable. Further stated that the plaintiffs have no right over the schedule property. On the basis of rival claimants of the parties, this court framed the necessary issues and trial was fixed. Further, the record shows that the trial was concluded and case posted for arguments. Further, the record shows that heard arguments on both side. When the case was posted for reply arguments of the plaintiff's side, the present application was filed.

9. On perusal of the materials available on record, the marriage of 1st defendant is not in dispute and the marriage certificate of the 1st defendant is already marked as Ex.D16. On the other hand, the defendant No.1 has not denied the Ex.P16. The dispute between the parties only belongs to the schedule properties not the marital status of the defendant No.1. The documents produced by the both parties are sufficient to adjudicate the matter effectively. The Nikanama of the defendant No.1 is not require for



adjudicate the rights of the parties with respect to the schedule properties. Hence, the question of summoning the document as prayed for the plaintiff does not arise. Hence, this court is of the opinion that the application filed by the plaintiff is no merits. Accordingly, it needs to be rejected.

Therefore, the point No.1 is answered in the Negative.

10. **Point No.2:-** For the above said reasons, this court proceed to pass the following:-

ORDER

The IA No.XXX filed by the plaintiff under Order 16 Rule 6 of CPC seeking is hereby rejected on cost of Rs.500/-.

*[Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the Open Court on this the **16th day of December, 2025]***

**(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC,
K.R.NAGAR.**