

ORDERS ON IA No.IV UNDER
ORDER 7 RULE 14 OF CPC FILED
BY THE PLAINTIFF.

1. The plaintiffs have filed this application under order 7 Rule 14 of CPC and prays for production of documents by condoning the delay.

2. In the affidavit it is stated that, the subject matter of the suit has been decided in OS No.290/1990. Therefore, the said judgment and decree is very much necessary to this case. The same has not been produced along with plaint for non-available of the document at that time. Hence, they prays for allow the application.

3. On the other hand, the defendant has filed objection stating that, the defendant was not party to the suit in OS No.290/1990. Therefore, the application may be rejected.

4. Perused record. It is noticed that the plaintiffs have filed the suit against the defendant for the relief of declaration declaring that, they are the absolute owners of the schedule property on the strength of registered sale deed dated 05.04.1989 and consequential relief of permanent injunction.

5. On the other hand, the defendant filed written statement stating that, the schedule property is not in existence. On the basis of rival claims of the parties, this court framed several issues and posted for plaintiff's evidence. The plaintiff No.1 himself examined as PW- 1 and 9 documents are got marked at Ex.P1 to P9. When case posted for further chief of PW-1, the plaintiff filed present application for production of documents with leave of the this court. Perused plaint averments. It is stated in para No.4 that one Siddegowda filed a suit

against the plaintiffs in OS No.290/2019 with respect to the schedule property for seeking declaration and injunction. On contest, the said suit was dismissed.

6. In order to prove the said allegations, the plaintiffs have to be produced the documents in judgment and decree in OS No.290/1990. Therefore, the documents is very much necessary to decide the matter effectively. No doubt the plaintiffs have not furnished documents along with list. Therefore, the delay is condoned by way of imposing cost. Accordingly, application filed by the plaintiffs IA No.IV is allowed on cost of Rs.200/-.

Further chief of PW-1.

Call on 02.07.2024.

**Senior Civil Judge & JMFC,
K.R.Nagar.**

ORDER ON APPLICATION U/S 91
OF CrPC FILED BY THE ACCUSED

The accused has filed application under Section 91 of Cr.P.C. to summon the witness by name, Raghu S/o

Somaiah, Hosa Agrahara village and Hobli, K.R.Nagar Taluk, Mysuru District.

2. In the application it is stated that, the complainant doing chit fund business in his village. Further he has stated that, the accused has not borrowed any amount from the complainant. In order to disprove the same, the witness stated in the application is very necessary to examine on behalf of the accused. Therefore, he prays for allow the application.

3. On the other hand, the complainant filed objection stating that, the application filed by the complainant is not maintainable both in law and facts. The trial was completed, at this stage the present was filed. Further, it is contended that, the accused has not taken defence that, the complainant running chit business and accused is the one of the member of the said chit. Therefore, the present application filed by the accused only with intention to the dragging the proceedings. Upon these

grounds he prays for reject the application.

4. Heard arguments on both side. Perused the record.

5. The complainant filed complaint alleging that, the accused has committed an offence punishable under Section 138 of the N.I. Act. Further records shows that, the accused put his appearance through his counsel and he was enlarged on bail, substance of accusation explained to the accused and he denied the same. Further records shows that, the complainant and accused are examined and case posted for defence arguments. At this stage, the present application was filed.

6. In the examination in chief of the accused nowhere stated that, the Raghu S/o Somaiah was also member of the chit run by complainant. Even, in the cross examination of the PW-1 nowhere suggested that, when the accused has issued cheque in presence of the Raghu.

Further, the accused has not produced any document to show that, the complainant was run chit fund in his village. In the absence of material evidence and the accused not made out any grounds to issue summons to the witness Raghu. Therefore, this court is of the opinion that, the accused has not made any grounds to allow the application. Hence, application filed by the accused is rejected on cost of Rs.200/-.

For defence arguments.

Call on: 09.02.2024.

**Senior Civil Judge & JMFC.,
K.R.Nagar**

