

ORDERS ON IA No.XI

This application is filed by the GPA Holder of plaintiff No.1 to 3, 4(a) and 5 under Order 6 Rule 16 R/w Section 151 of C.P.C. to strike out the pleadings of the defendant No.7, 9, 10 and 12 for the reason that the defendant No.7, 9, 10 and 12 have not produced any documents in support of their pleadings pleaded at page No.8 and 9 and para No.14 and 16 of the written statement.

2. In support of this application, the GPA holder of plaintiffs has sworn the affidavit wherein he has stated that, the defendants have not produced the documents in support of their pleadings. Accordingly, prays for allow the application.

3. On the other hand, the defendants have filed objection contending that the application filed by the plaintiff is not maintainable both in law and facts. Further, the plaintiffs have filed this application only with intention to drag on the proceedings. Accordingly, prays for reject the application.

4. Heard arguments.

5. The following points are arise for consideration of this court:

1. Whether the GPA holder of plaintiffs has made out a ground to strike out the pleadings of the defendants ?

2. To what order ?

6. This court answer to 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:-** Perused the available records, the plaintiffs have filed this suit against the defendants for the relief of declaration and permanent injunction with respect to the suit schedule property. On the other hand, the defendants have appeared before this court through their counsel and filed written statement denying the case of the plaintiffs.

8. Further, the record shows that on the basis of rival claimants of the parties, this court has framed necessary issues and trial was fixed. The plaintiff's side evidence was concluded and when case was posted for cross-examination of DW-1, the present application was filed.

9. As per order 6 Rule 16 of CPC, "the court may at any stage of the proceedings order to be struck out in any pleadings which may be unnecessary, scandalous, frivolous or vexatious or which may tend to prejudice, embarrass or delay the fair trial of the suit, or which

is otherwise an abuse of the process of the court”.

10. This court perused the pleadings of the defendants, nowhere find out the pleadings of the defendant comes under the meaning of the order 6 Rule 16 of the CPC. The plaintiffs have only taken contention that the defendants have not produced any document in support of their pleadings. If the defendants have not produced any document in support of their pleadings, this court may draw adverse inference against the defendants. In view of the provision of 6 Rule 16 of CPC, the present application is filed by the GPA holder of the plaintiffs is not maintainable. Accordingly, the application filed by the GPA holder plaintiffs needs to be rejected. **Therefore, this court answered Point No.1 is in the Negative.**

11. **Point No.2:-** For the aforesaid reason and discussion, this court proceed to pass the following;

ORDER

The I.A.No.IV filed by the GPA holder of plaintiff No.1 to 3, 4(a) and 5 under Order 6 Rule 16 R/w Section 151 of CPC is hereby rejected on cost of Rs.1,000/-.

For cross of DW-1 last chance by:
06.04.2026.

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