

**ORDER ON NOTICE SUBMITTED UNDER ORDER 12 RULE
8 OF CPC.,**

The Objector has filed application by way of notice under order 12 rule 8 of CPC., praying the Court to order the production of title documents in respect of petition schedule property from the custody of the Decree Holder.

2. In return learned Counsel for decree holder has filed objection to said notice by contending that notice issued by the objector is not maintainable either under law and on facts. The objector has no right to file this notice and has no right to seek documents. The objector has colluded with judgment and filed this notice to protract the proceedings. Hence, the decree holder has sought for rejection of notice with cost.

3. The following points would arise for consideration:

1. Whether the objector has made out sufficient grounds to direct the decree holder to produce the document as sought by him?

2. What Order?

4. Having heard the arguments of learned counsel for objector and Decree Holder. My findings on above points are:

Point No.1 : In the **Negative**

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

REASONS

5. **Point No.1:** Order 12 Rule 8 CPC read with Form 12 of Appendix C of CPC requires production of documents which are in possession or custody of Party. Perusal of notice U/o. 12 Rule 8 CPC shows that the objector has sought production of document as mentioned in the notice.

6. Order 12 Rule 8 CPC stipulates that the notice is to be issued to the other party for production of documents and affidavit of the pleader along with the copy of the notice shall constitute sufficient evidence of service of notice. However, in the present case, objector has neither made any averments nor placed on record his affidavit stating whether any notice has been issued. Further, objector has not placed on record any copy of the notice for production of documents in accordance with Order 12 Rule 8 CPC. Therefore, there is no substantial compliance of the Order 12 Rule 8 CPC and therefore, on this ground also the notice is without merits and it is liable to be rejected.

7. Order 12 Rule 8 CPC only stipulates filing of affidavit by pleader of service of notice on other party, to produce documents. Order 12 Rule 8 CPC does not envisage any judicial directions to concerned party to produce documents.

8. There are no material available on record to show that the decree holder has received such a notice and the same is in their possession. Moreover, this court already directed the Judgment debtor to handover the possession of petition property to the decree Holder and in the said suit Judgment debtor

admitted the decree holder is landlord of petition schedule property. Such being the case, the question of directing the Decree Holder to produce such document does not arise. In view of reasons and discussion made supra point No.1 is answered in the **Negative**.

9. **Point No.2:-** A party who appears before the court is expected to be vigilant and must be careful enough so as not to cause inconvenience to others. Eventhough objector has knowledge that he has no right to file this notice he has sought title documents of petition schedule property. Further, the title documents of petition schedule property can be obtained from concerned authority. Due to the carelessness of objector, this petition has filed. This has resulted in delay in the proceedings and has also caused inconvenience to the decree holder. Considering the inconvenience caused to the plaintiff it is deemed fit to allow this applications only on payment of cost. In the facts and circumstances of the present petition it is deemed fit to impose cost of Rs.2,000/- on the objector to compensate the decree holder. In the light of above discussion, this court proceed to pass the following:

ORDER

Notice under order 12 rule 8 of CPC filed
by the Objector is hereby rejected with cost
of Rs.2,000/-

To hear on I A No.1.

Call on: 25/02/2026.

Prl. Civil Judge & JMFC.,
Nanjanagudu.