

OS 264/2016

Sri. MVR., Advocate files Vakalath for plaintiff with no objections from the previous counsel to conduct the case with him along with memo with prayer to dismiss the IA No.11 filed U/o16 Rule 6 R/w Sec. 151 of CPC as not pressed.

In view of memo filed by the learned counsel for the plaintiff IA No.11 filed U/o 16 Rule 6 R/w Sec. 151 of CPC is hereby dismissed as not pressed.

The learned counsel for the plaintiff files an application U/o 13 Rule 10 R/w Sec.151 of CPC.

The learned counsel for the defendant No. 6 is present and submits to consider his objections filed to I.A.No.11 as objections to I.A.No.12.

Heard both the parties on I.A.No. 9, 10 and 12.

Posted for orders

**COMMON ORDERS ON I.A.No. 9,
10 and 12**

The learned counsel for the plaintiff has filed I.A.No. 9 U/sec. 151 of CPC with a prayer to recall the PW1 for further chief examination, I.A. No. 10 U/o 18 Rule 17 R/w Sec. 151 of CPC with a prayer to recall

the PW1 for further chief examination and I.A. No. 12 U/o 13 Rule 10 R/w Sec. 151 of CPC with a prayer to call the original agreement for sale dated 05.03.2008 which was marked in the execution petition No. 11/2018 by the plaintiff.

The learned defendant No.6 has opposed to the present applications by filing detailed objections. In the objections the defendant No. 6 contended that the plaintiff has filed these applications only in order to prolong the case proceedings as such IA No.9, 10 and 12 are not maintainable. On these grounds the defendant No. 6 prayed to dismiss the I.A.No. 9, 10 and 12.

I have carefully gone through the I.A's and other material available on record. Since the plaintiff has approached the court with some reliefs as such it is for the plaintiff to prove his case by producing all the relevant documents. Since the plaintiff has himself produced the said original agreement for sale dated 05.03.2008 in E.P. No. 11/2018 as such the plaintiff can get the original document in the said case by filing necessary application and produce the same in the present case. Moreover the plaintiff would have get the certified copy of the said original agreement for sale and lead secondary

evidence in this case. Instead of getting the said document by filing appropriate application in the said execution petition without being any valid reasons the plaintiff has come up with these applications. When the plaintiff has got every opportunity to get original document or certified copy of the said document in that case then the question of calling the said document by this court do not arise at all. There are no reasons to believe that the plaintiff has made efforts to get the original copy or certified copy of the said agreement for sale in the said execution proceedings. Hence, this court do not found any reasons to call the said document as prayed for. With these observations this court proceeds to pass the following.

ORDER

I.A.No.9, 10 and 12 filed by the plaintiff are hereby rejected on cost of Rs.100/- each.

Posted for cross examination of PW1.

Call on 15.10.2025

Pr1. Civil Judge & J.M.F.C
Kanakapura