



**IN THE COURT OF THE I-ADDL. CIVIL JUDGE & JMFC,
HOSANAGARA
AT: HOSANAGARA**

Present: Sri. MARUTI R SHINDHE

B.A.LL.B

Prl. Civil Judge & J.M.F.C.,
Hosanagara.

Dated: This the 22nd day of July 2026

OS. No.182/2018

PLAINTIFF:

Sri.Puttappa
S/o Late Lokanaika,
(By Sri.DNH., Advocate)

//and//

DEFENDANTS:

Sri.Ramesha S/o Late Ganganaika
and others

(D.3, D.4, D.6, D.7, D.9,
D.10. D.5(a),(c), D.8(a)(b)
Sri.SK Advocate)
(D.5(b)By Sri.TYR., Advocate)
(D.1 and D.2 Exparte)

I.A.No. XI/2025

**Applicant
plaintiff**

: Sri.Puttappa
S/o Late Lokanaika



//and//

Opponents : Sri.Ramesha S/o Late Ganganaika
and others

The provision under which application is filed	:	under order XVI Rule 6 R/w section 151 of CPC
Relief Sough for	:	For witness summons to the survey officer Sathish S.,
The date on which application is filed	:	15.12.2025
Number of application	:	11
The date on which objection are filed by opponents;	:	Objection not filed
The date on which Orders are passed on the application	:	22.07.2026

Order on I.A. XI under section XVI Rule 6 R/w Sec.

151 of CPC

On 15.12.2025 at the- stage further evidence of plaintiff this IA No.XI is filed by the applicant/plaintiff under order XVI Rule 6 R/w section 151 of CPC of seeking issue of witness summons to name Sathish S. surveyor for



give evidence on document vide Ex.P7 in the interest of justice and equity.

2. In the accompanying affidavit the applicant/plaintiff submitted that the plaintiff has filed the above suit for declaration possession and consequential relief of permanent injunction against the defendants and the defendants have appeared and filed their written statement. Plaintiff has examined already as PW.1 and plaintiff has been fully cross-examined by the defence counsel. The defendants have illegally encroached the suit schedule properties. In order to ascertain the exact extent of the 'B' schedule property. The Plaintiff filed an application to the survey department on 20.01.2016. After the issuance of the notice, the Government surveyor by name Sathish.S. conducted the Haddu-Bastu survey of the suit schedule property on 03.02.2016 and prepared the sketch. The said sketch as been marked as Ex.P.7. The plaintiff already filed the witness list in the lieu of this Hon'ble Court and the suit has been posted for further evidence on the plaintiff side.

3. The plaintiff further submitted that author of the Ex.P.7 Sathish.S. is a government servant and he has no authority



at attend this Hon'ble Court without the summons in the suit. It has become very necessary to issue suit summons by summoning the said witness to prove Ex.P.7. If the said witness is not examined, the plaintiff will be put to irreparable loss and inconvenience. If the said witness will be summoned, no loss or inconvenience will be caused to the other side. yed in the application. Hence, present application.

4. Perused the order sheet dated 18.12.2025 which reflects the learned counsel appearing for the defendants submitted that they have no objection on IA.No.XI.

5. Heard the learned counsel appearing for the plaintiff and learned counsel appearing for the defendants on IA No.XI. In view of the materials placed before me and rival contention arise by the parties, the following points arisen for my consideration: -

POINTS

1. Whether the plaintiff has made out ground to allow the application under order XVI Rule 6 R/w section 151 of CPC ?



2. What order?

6. My answers to the above points are as under:

Point No.1 : In the Affirmative

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

REASONS

7. **Point No.1** : The plaintiff has filed this suit for the relief of declaration that the plaintiff is an absolute owner of the suit schedule property and recovery of possession of the B suit schedule property from the defendants and consequential relief of permanent injunction against the defendants. It is case of the plaintiff that the defendants have encroached the B suit schedule property and in order to prove the same, got marked the relevant document vide Ex.P7 which is survey Haddu Bastu sketch. It is well settled law that in order to prove the document vide Ex.P7 which is survey sketch examination of the author of the sketch (survey officer) is necessary. Hence, in the light of above



discussion and for ends of the justice and equity. This Court answered the point no.1 in the Affirmative

8. Point No.2 : For above said reasons of point No.1, following :

ORDER

The I.A.XI filed under order XVI Rule 6 R/w section 151 of CPC is hereby allowed.

(Dictated to the Stenographer directly on computer, typed by her, revised by me and then pronounced in the open court, on this 22nd day of July 2026)

**C/C I-Addl.Civil Judge &JMFC,
Hosanagara.**

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The I.A.XI filed under order XVI Rule 6 R/w section 151
of CPC is hereby allowed.

Issue witness summons to Sri. Sathish S
surveyor if witness summons paid.

for further evidence

Call on 24.08.2026.

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Call on 21.10.2024.