

**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC.,
GUBBI**

**Present: Smt. RADHA.S, B.A., LL.M.,
Prl. Civil Judge & JMFC.,
Gubbi.**

Dated on this 06th day of November 2020

O.S.No. 151/2018

Plaintiff : Mahesh K.R. S/o Rangaswamaiah,
Aged about 32 years,
R/o Kodinagenahalli Village,
Nittur Hobli, Gubbi Taluk.

(By Sri. A.S.C., Advocate)

V/s

Defendants: 1. Gangaraju S/o Rangaswamaiah,
Aged about 37 years,
R/o Farm House,
Halasinanagenahalli Village,
Nittur Hobli, Gubbi Taluk.
and another.

(By Sri. B.S., Advocate)

Applicant : Mahesh K.R.
V/s

Opponents: Gangaraju and another

(Smt. Radha.S)
Prl. Civil Judge & JMFC.,
Gubbi.

ORDER ON I.A.NO.III

The plaintiff has filed this application under Order 16 Rule 6 R/w Sec. 151 of C.P.C., praying the court to issue summons to the proposed witness as described in the application to produce the Original Unregistered Panchayath Parikath ya Vibhagapathra dated 31-05-2011, RTC extracts all mutations and other relevant revenue documents on the following grounds:-

2. It is contended by the plaintiff in his affidavit that, he had borrowed loan from the K.G.B bank of M.N. Kote branch by mortgaging the properties, at the time of availment of the loan from the said bank, he had handed over the original panchayath parikath and other documents to the said bank authority as such, those documents are very much necessary for the plaintiff to prove the present case. Hence, prayed to issue summon to the Manager of the said bank to produce the documents as mentioned in the application. On these grounds prayed to allow the present application.

3. The defendants have filed objections on the following grounds:- The application is not maintainable and averments of affidavit filed in support of application are all false. The plaintiff has borrowed crop loan in Primary Agricultural Credit Co-Operative Society, Thyagaturu as such question of hand over the original documents as alleged by him to the proposed bank does not arise. To harass these defendants and drag on the matter, the plaintiff has filed this false application. On these grounds prayed for dismissal of the present application.

4. Heard the arguments of both sides.

5. Perused materials available on record.

6. On the basis of above facts, the point that arises for my consideration is as under:-

1. Whether the plaintiff has made out sufficient grounds to allow the present application?"

7. For the reasons stated below, above point is answered in the partly affirmative.

::R E A S O N S::

8. POINT NO.1:- On careful perusal of the pleadings of the parties and materials on record show that this suit is filed for declaration and permanent injunction in respect of suit schedule properties, more over the plaintiff in his plaint has specifically pleaded that, he got the suit schedule properties under unregistered panchayath parikath as such, the heavy burden is upon the plaintiff to prove his case hence, he needs title deed. This court should accommodate all the opportunities to the parties to prove their case. **But it is pertinent to note that, the plaintiff under the present application has also sought to summon to the said bank to produce some RTCs, mutation extracts and other revenue records, the plaintiff can easily get the revenue records from the concerned office as they are public documents as such,** the present application filed by the plaintiff is liable to be allowed in part. By considering the facts, circumstances and nature of the suit, this court answers point No. 1 in the partly affirmative. Hence, I proceed to pass the following:-

O R D E R

I.A.No.III filed Under Order 16 Rule 6 R/w Sec. 151 of CPC by the plaintiff is hereby partly allowed.

Present application filed with regard to summon to produce RTCs, Mutation extracts and other revenue records is concerned is hereby rejected.

Office to issue Witness Summons to the Manager of K.G.B Bank, M.N. Kote branch, Nittur Hobli to produce the "Original Unregistered Panchayath Parikath ya Vibhagapathra dated 31-05-2011" pertaining to the plaintiff, if PF is paid.

(Dictated to the stenographer directly on computer, corrected by me then the Stenographer has taken print out, after taking printout corrected, signed and then order pronounced by me in open court on 06th day of November 2020.)

(Smt. Radha.S)
Prl. Civil Judge & JMFC.,
Gubbi.