



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

Dated this the 1st day of June 2026

PRESENT:

**KIRAN S.P., B.B.M., LL.B.,
Prl. Civil Judge & JMFC, Gubbi.**

O.S.No.231/2019

Plaintiff: **Boregowda**

-V/s-

Defendant: **K.G. Siddaramanna**

CAUSE TITLE TO IA No.6

Applicant: **K.G. Siddaramanna (defendant)**

(By Sri. P.M.P., Advocate)

-V/s-

Respondant: **Boregowda (plaintiff)**

(By Sri. T.N.G., Advocate)

ORDER ON I.A. No.6.

The defendant has filed IA No.6 U/sec. 151 of CPC r/w Sec. 65 of Indian evidence act prays to permit her to file certified copy of registered sale deed dated:22.07.1974.

02. In the accompanying affidavit, it is stated that, the document i.e. the sale-deed under which his mother purchased the suit schedule property was misplaced



and after thorough search he could not find the same and as such he has applied for the certified copy of the same and now produced for the kind perusal of this Hon'ble court. Under the above circumstances, it is just and necessary to permit him to produce the certified copy of the sale-deed dated:22-07-1974 before this Hon'ble court in the above case, as the said documents are very much essential to prove his case on hand. If this application is allowed as prayed for, no harm or injury cause to otherside, on the other hand if this application is not allowed as prayed for, she will put in to great hardship and injury which cannot be compensated by any other means. On these ground she prays to allow the application.

03. This application is resisted by the plaintiff by filing objections and contended in the objections that the application is not maintainable either in law or in facts. The applicant has sworn a false affidavit. The applicant is producing the secondary evidence of certified copy of Registered sale deed through which the plaintiffs mother acquired the property on which the defendant is claiming his right and title. The applicant has not produced any documents in support of his reason for production of secondary evidence. The defendant had not at all laid down any foundation about the non-availability of primary evidence in his written statement. On these grounds he prays to dismiss the application.



04. Heard the Arguments on both side

05. The point that arises for the consideration of this court is as follows:

Point No.1: Whether the application filed by the defendant is deserves to be allowed and What order?

06. The finding of this court to the above point in the affirmative for the following:-

REASONS

07. This is a suit filed by the plaintiff for the relief of permanent injunction with respect to suit schedule property. It is pertinent to note here that the evidence of plaintiff side concluded and when the case is posted for further chief of DW.1, the defendant has filed the present application under section 151 of CPC r/w Sec. 65 of Indian evidence Act by praying this court to permit her to produce the certified copy of sale deed dated:22.07.1974 and she has also produced certified copy of said sale deed. On perusal of the said sale deed it reveals that defendant is not the party to the sale deed dated:22.07.1974 and it was executed in the name of one Shivamma, who is mother of defendant. According to defendant, said sale deed was misplaced.

08. As per Sec. 65 of Indian evidence act, a party can produce secondary evidence like certified copy in the event; If the original sale deed has been lost,



destroyed or is otherwise impossible to produce, the party is required to prove the loss or destruction. Certified copy issued by the sub-registrar is generally admissible in evidence for proving the contents of the original document. This court satisfied that a valid legal ground exist under section 65 of the Indian Evidence Act. If the application filed by the defendant is allowed. No hardship will be caused to the plaintiff. On the other hand if the application is not allowed. A defendant will be put much hardship. On these grounds point under consideration is answered in the affirmative and this court proceeds to pass the following:

ORDER

**IA No.6 filed by the defendant
No.6 U/S 151 of CPC r/w sec.65 of
Indian Evidence Act is hereby
allowed.**

**The defendant is permitted to
produce the certified copy of sale
deed dated:22.07.1974.**

No order as to costs.

For further chief of DW.1.

(Dictated to the stenographer, transcribed by her, corrected and then
pronounced in the open Court on this the 1st day of **June 2026**)

Sd/-
(KIRAN S.P.)
Prl. Civil Judge & JMFC.,
Gubbi.