

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

Dated this the 19th day of October 2019

PRESENT :

SRI ABDUL RAHIMAN. A. MULLA

B.A.L, L.L.B (Hons.)

**Prl. Civil Judge & JMFC,
Madhugiri**

O.S.No.306/2013

PLAINTIFF : Smt. N.T.Gavithimmaiah @
Gaviyappa S/o late
Thimmarayappa, aged about
36 years, R/o 3rd ward, Opp:
Forest Office, Chikkanayakana
halli, Tumkur District
Now R/o Mathikere,
Yashavanthapura, Bangalore.

(By Sri. MVD., Advocate)

Vs/-

DEFENDANTS : 1. T. Ananthakumar S/o late
Thimmarayappa, aged
about 48 years

2. Padmavathi M.R. W/o
T. Ananthakumar, aged
about 40 years

3. Shoba M.A. D/o
T. Ananthakumar
(Press Reporter),
W/o N.B.Chandramohan,
aged about 26 years
Pavagada town.
 4. Jahnavi M.A. @ Lakshmi
D/o T. Ananthakumar
W/o Druvakumar, aged
about 25 years, R/o Pete
Beedhi, Kyathsandra,
Tumkuru.
 5. Meena M.A. D/o
T. Ananthakumar
W/o A. Ravikumar, aged
about 22 years, R/o # 18,
4th 'A' cross, K.N.Extension,
Yashwanthapura,
Bangalore-560022.
 6. Jnanachandra S/o
T. Ananthakumar, aged
about 16 years, minor by
next friend natural
guardian represented
by her mother Padmavathi
- Defendants 1,2,6 now
R/o Pete Beedhi,
Kyathsandra, Kasaba
hobli, Tumkuru.

7. Jayamma @ Jayanthi
D/o late Thimmarayappa
W/o Rangadhamappa
aged about 40 years
R/o Arapete, Madakasira town
Ananthapura dist, A.P.

8. Lakshmi Devamma W/o
late Thimmarayappa
aged about 62 years
R/o Lingenahalli,
Madhugiri town.

Dead by Lrs.

The 8th defendant is died, the
plaintiff, 1st and 7th defendant
are the legal heirs of the deceased
8th defendant and they are
already on record.

The amendment is carried as per
the orders of the Hon'ble Court.

9. T.D.Sowbhagya W/o Jayaramaiah
aged about 37 years,
Venkatapura village, Kasaba
hobli, Madhugiri taluk.

10. N.R.Govindaraju S/o late
N.V.Rathnaiah Shetty,
R/o VRS temple street,
Madhugiri town.

11. Usha Dhanpal W/o K.V.Dhanpal
aged about 45 years
R/o VRS temple street,
Madhugiri town.

12. Govindaraju S/o Rangappa
aged about 45 years,
R/o Somlara village, Kasaba
hobli, Madhugiri taluk.

(Defendant No.1 by Sri. MM, Adv)
(Defendant No.2,4,6,11,12 absent)
(Defendant No.7 & 8 by Sri. KVSK, Adv)
(Defendant No.10 by Sri. DVS, Adv)

I.A.No.XX

Applicant : N.T. Gavithimmaiah Plaintiff

Vs/-

Opponent : T. Ananthakumar Defendant

* * *

**ORDER ON I.A.No.XX FILED BY PLAINTIFF UNDER
ORDER 11 RULE 14 R/W SECTION 151 OF C.P.C**

This is an application filed by plaintiff praying this court to direct defendant to produce registered partition deed effected between Lakshmiddevamma, Jayamma and defendant No.1 on 03-09-2010 and also hakkupatra issued by Taluk Panchayath in favour of deceased Lakshmiddevamma on 24-09-1990 in respect of Gundlahalli hobli, Kasaba hobli, Madhugiri taluk.

2. In the affidavit annexed to the application, plaintiff has averred that he has filed this suit against defendants for partition and separate possession and original registered partition deed dated 03-09-2010 and hakkupathra issued by Taluk Panchayath, Madhugiri dated 24-09-1990 are in custody of defendant No.1, who is author of partition deed. In order to adduce secondary evidence, marking of documents is very necessary and amongst these grounds, prayed to allow the application.

3. In spite of granting sufficient opportunities, defendant No.1 and other defendants have chosen not to file any objections, hence objections to the application was taken as nil.

4. Heard, perused the records placed before the court.

5. The points that arise for my consideration are as under :

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

2. What order ?

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

Point No.1..... In the Affirmative,

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

REASONS

7. **POINT No.1** : Admittedly present suit came to be filed by plaintiff against defendants for partition and separate possession in the year 2013 and now when the suit is set down for plaintiff evidence, plaintiff has come up with this application claiming that original partition deed and original hakkupathra are in custody of defendant No.1 and sought for directions to produce the same.

8. It is pertinent to note that defendants have taken specific contention in their written statement i.e., written statement filed by defendant No.10 that he and his father have partitioned their joint family properties and with respect to this, specific issue has been framed by my learned predecessor-in-office by casting burden upon both plaintiff and

defendant No.10. Such being the facts of the case, if at all defendant No.1 is directed to produce original registered partition deed and original hakkupathra, said documents would be helpful in proper adjudication of the case. Moreover defendants have not filed any objections to the application, which goes to show that they have no objection to allow the application.

9. Such being the case, sufficient believable grounds have been made out by plaintiff to allow the application. Hence for the above said reasons, I answer Point No.1 in the 'Affirmative'.

10. **POINT No.2** : For the reasonings and findings given to point No.1, I proceed to pass the following :

ORDER

I.A.No.XX filed by plaintiff under Order 11 Rule 14 R/w Section 151 of C.P.C is hereby allowed.

Defendant No.1 is hereby directed to produce registered partition deed effected between Lakshmiddevamma, Jayamma and defendant No.1 on 03-09-2010 and also hakkupatra issued by Taluk Panchayath in favour of deceased Lakshmiddevamma on 24-09-1990 in respect of Gundlahalli hobli, Kasaba hobli, Madhugiri taluk.

(Dictated to the Stenographer, directly computerized by him, then corrected, printout taken, signed and then pronounced by me in the open court on this **19th day of October 2019**)

(Abdul Rahiman A. Mulla)
Prl. Civil Judge & JMFC,
Madhugiri.