

IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC.,
AT PAVAGADA.

Present : Sri. V.HANUMANTHAPPA,. M.A, L.L.B.
Senior Civil Judge & JMFC.,
Pavagada

:: OS No.28/2018 ::

Dated this the 7th day of August 2019.

Plaintiff : Ramanjinappa & others
-V/s-

Defendants : Gurrappa & others

I.A.No.1

Applicants in IA/
Defendant No.3 : Narayanappa

-V/s

Opponents in IA/
Plaintiff : Ramanjinappa & others

:: ORDER ON I.A. No. 1 ::

The defendant No.3 has filed this application U/sec. 30 of CPC R/w order 11 rule 1 and 11 R/w Order 7 rule 14(3) and (4) of CPC seeking better particulars by way of interrogatories under Sl.No.1 to 23. The said application supported with an affidavit sworn by the defendant No.3 by contending that, earlier suit in OS No.62/2013 was filed for partition and separate possession the said suit was

withdrawn. The present defendant and defendant NO.5 to 7 are not related to the plaintiffs as such the interrogatories sought in the application are necessary to take defense. Hence pray for allowing the same.

2. The plaintiff has filed objections that the application is not maintainable either in law or on facts. The plaintiff has already furnished the particulars relating to the suit property and also to prove the relationship between the parties, because of some typical errors in the sentences of the plaint, which has been clearly explained there is no division of the suit properties between the plaintiffs and defendant No.1 and 2. Since, the defendant No.6 and 7 are not belongs to the family of the plaintiffs and defendant No.1 and 2 their names got entered in the RTC extracts, therefore, they have made as parties to the suit. Hence pray for dismissal of the application.

3. I have heard arguments and perused the material available on record. The following points arise for my consideration.

- 1) Whether the applicant made out reasonable grounds to direct the plaintiff to furnish the interrogatories ?
- 2) What order?

4. My answer to the above points as follows:-

Point No.1 : In the Negative.

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

:: REASONS ::

5. Point No.1 : - This suit filed by the plaintiffs against the defendants for the relief of partition and separate possession along with the plaint the plaintiff has produced copy of RTC extracts of the suit schedule properties and G-tree of their family. The defendant No.3 has produced 19 documents which are Xerox copies including the particulars which he sought in the application about the pleadings and order sheet in OS No.62/2013 and the registered sale deeds and other documents. When the defendant No.3 himself possessed sufficient documents there is no need to sought for interrogatories from the plaintiff. Therefore, no reasonable grounds made out. **Hence I answer to this point is in the Negative.**

6. Point No.2 : In view of my above discussion I proceed to pass following :-

:: O R D E R ::

The IA No.1 filed by the defendant No.3
U/sec. 30 of CPC R/w order 11 rule 1 and 11
R/w Order 7 rule 14(3) and (4) of CPC is
hereby rejected.

No order as to cost.

(Dictated to the Typist directly to computerized by him, transcript corrected and pronounced by me in Open Court on this the 7th day of August 2019.)

(V.HANUMANTHAPPA)
Senior Civil Judge and JMFC,,
Pavagada.

