

KATK810025282019



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

Dated this the 30th day of June 2025

PRESENT :

**SRI. NARASIMHAMURTHY A. B.A. L.L.B.,
Prl.Civil Judge & JMFC,Sira**

O.S. No.323/2019

Plaintiff : K.S. Mudlegowda S/o
Late Srinivasappa,
Aged about 60 years.
R/at Jyothinagara, Sira City,
Tumakuru District.

(By Sri. K.U., Advocate)

Vs/-

Defendant : Thippeswamy S/o
Kariyanna,
Aged about 40 years,
Working as Waterman,
R/at Maruthi Nagara,
Santhepete, Sira City,
Tumakauru District.

(By Sri. G.R. Advocate)

I.A. No.V

Applicant : Thippeswamy Defendant

-V/s-

Opponent : K.S. Mudlegowda. Plaintiff



ORDERS ON I.A. No. V FILED BY DEFENDANT UNDER
ORDER XVI RULE 6 OF C.P.C

This application is filed by the defendant praying this court to summon the CMC sira to produce Katha extract, mutation, ledger and Hakkupathra documents regarding the suit schedule property.

2. In the affidavit annexed to this application, defendant stated that he has taken contention that the plaintiff has created documents in his name. When the defendant search the proposed documents, it shows that, the dispute property belongs to C.M.C Sira, in order to ascertain the originality of the documents, the proposed documents are very much necessary. If the application is allowed no harm will be caused to the other side. On the other hand, if the application is not allowed, the defendant will be put to great hardship. On these grounds prayed for allowing the application.

3. On the other hand the plaintiff has filed objection to the application stating that, the defendant has no manner of right over the suit schedule property. He is working in the C.M.C and he has colluded with the officials and trying to create some of the documents. The documents summoned by the defendant are public documents, he has to obtain the said documents



from the concerned authority. Moreover the application filed by the defendant seems that he has not approached the CMC for seeking the alleged public documents. The defendant has filed this application just to drag on the proceedings. Hence, prays to reject the IA.

4. Heard, perused the records placed before the court.
5. The points that arise for my consideration are as under :
 1. Whether the defendant 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 Negative
 - POINT No.2 : As per the final order for the following ;

REASONS

7. **POINT No.1** : Admittedly this case has been filed by the plaintiff seeking for eviction in respect of suit schedule property. The defendant has filed his written statement on 18-12-2019. It is in the case of defendant the plaintiff has created documents with regard to the suit schedule property by colluding with revenue officials. In order to ascertain the real



dispute in this case it is necessary to issue summons to C.M.C Sira to produce the documents as pleaded in the application.

8. The defendant in his application seriously alleged against the plaintiff. It is the duty of the parties that one who seek any relief he has to prove this case by producing oral and documentary evidence. Here, it is the case that the defendant seeking the assistance of the court to prove his case. Hence application filed by the defendant is not entertainable one. The documents seeking by the defendant are public documents. He can obtain the same by filing application before the concern authority. Hence for the above said reasons, I answer **Point No.1 in the 'Negative'**.

9. **POINT No.2** : In view of the discussion made on Point No.1, I proceed to pass the following :

ORDER

I.A. No.V filed by the defendant
Under Order XVI Rule 6 of CPC is hereby
rejected with cost of Rs.500/-.

(Dictated to the Typist directly on Computer, corrected and then pronounced in open court on this 30th day of June 2025)

Sd/-
(NARASIMHAMURTHY A.)
Prl. Civil Judge & JMFC,
Sira.