

KAUK020019002023



COMMON ORDER ON IA.NOs.8 & 9

Plaintiffs have filed IA.No.8 under Order VII Rule 14 read with Section 151 CPC praying the Court to permit them to produce documents (RTCs).

2. They have filed IA.No.9 under Order XVI Rule 1 read with with Section 151 of CPC., praying the Court to summon the witnesses detailed in the application.

3. The above applications are accompanied by separate affidavits of plaintiff No.1 mentioning the reason for filing these two applications.

4. Defendants No.1 & 2 have filed common objections and sought for rejection of both the applications.

5. Having gone through the applications as well as objections, this Court is of the view that the contention of the defendants No.1 & 2 that the affidavit filed in support of the applications was sworn to before notary on 11.12.2025 and the applications were filed on 12.12.2025 and therefore the applications are not maintainable cannot be sustained. There is no such law that the affidavit in support of interlocutory applications shall be sworn to on the same day of filing the applications. Moreover, the supporting affidavit sworn to by the first plaintiff a day before filing of applications cannot be said to be defective. The same is not fatal. Except this, no other contentions are advanced. On going through the affidavits filed in support of both

the applications, this Court is of the view that the plaintiffs have made out valid grounds to permit the production of RTC extracts which appear to be relevant for the purpose of just decision in the case and it also seems to be necessary for permitting the plaintiffs to examine witnesses detailed in I.A No.9. Hence, both the applications deserve to be allowed. Accordingly, following order is passed:

ORDER

IA.Nos.8 to 9 filed by the plaintiffs are allowed.

The plaintiffs are permitted to produce RTC extracts as prayed.

Further, the plaintiffs are permitted to examine the witnesses mentioned in I.A No.9.

No costs.

For further chief-examination of PW.1 by 13-03-2026.

(Dictated to the Stenographer directly on computer, typed by her, corrected and then initialed by me and pronounced in the Open Court on the 07th day of March, 2026)

Sd/-

**(Ganesha Padiyar U.)
Addl. Senior Civil Judge & JMFC,
Karwar.**