

**FDP NO.2/2014**

KAUK510001662014



Case called out.

When the matter was posted for orders on I.A No.15, the respondents 2(b) to 2(d), 3(a), 3(b), 3(d)(ii) have filed I.A No.18 under Order 8 Rule 1A R/w Section 151 of C.P.C for production of endorsement issued by Chief Officer of TMC, Haliyal on 20.08.2024.

In the affidavit filed in support of I.A No.18, the respondent No.2(d) has stated that, he intends to rely on a vital document to determine case in hand and as such, he is constrained to file the I.A No.18. It is also contended that, if the I.A No.18 is allowed, no loss or hardship will be caused to the petitioners and on the other hand, if I.A No.18 is not allowed, the respondents will be put to great hardship and injustice.

On the other hand, the petitioners have orally objected to I.A No.18.

Heard on both side. Perused the entire materials.

The petitioners have filed I.A No.15 under Order 26 Rule 10 R/w Section 151 of C.P.C for appointment of 'Civil Engineer' of TMC, Haliyal as Court Commissioner to carry out

commission work in respect of house properties mentioned in the said application.

When the matter was posted for I.A No.16, the present applicants have filed present application for production of aforesaid endorsement issued by the Chief Officer of TMC, Haliyal.

During the course of hearing on I.A No.18, the learned counsel for the petitioners has argued that, the proposed document is not a genuine document as there is no authenticated seal in the endorsement which is stated to be issued by the TMC, Haliyal.

In the said endorsement, it is stated that, there are two posts of Junior Engineer in TMC, Haliyal and both the posts are vacant. I.A No.15 is filed by the petitioners for appointment of 'Civil Engineer' of TMC, Haliyal as Court Commissioner. In the proposed document, it is not stated clearly as to whether the 'Civil Engineer' post is in existence or not in TMC, Haliyal. Moreover, the genuineness of said document itself is disputed by the petitioners. Admittedly, there is no official seal in the said endorsement dated 20.08.2024. Therefore, Court opines that, before passing any order on I.A No.15 or I.A No.18, it is just and proper to ascertain as to whether 'Civil Engineer' post is in existence or not in TMC, Haliyal and it is also necessary to ascertain as to whether the endorsement dated 20.08.2024 is issued from the office of TMC,

Haliyal or not. Having regard to all these aspects, Court proceeds to pass the following:

**ORDER**

I.A No.18 is not considered for time being.

Meanwhile, Chief Officer of TMC, Haliyal is hereby directed to furnish the following details:

- 1) Whether the post of 'Civil Engineer' is in existence in TMC, Haliyal.
- 2) Is endorsement dated 20.08.2024 issued by the office of TMC, Haliyal.

Call on for compliance by 21.09.2024

**Civil Judge and JMFC.,  
Haliyal.**