

KAUK510001662014



ORDERS ON I.A NO.18

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.

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 view of said contention of the learned counsel for the petitioners, this Court had sought clarification from TMC, Haliyal and accordingly, the Chief Officer of TMC, Haliyal had appeared before the Court and clarified that, endorsement dated 20.08.2024 has been issued by the TMC, Haliyal. In view of the said clarification, doubt with regard to endorsement dated 20.08.2024 about its genuineness does not survive.

Coming to the next aspect, the respondents intends to produce said endorsement dated 20.08.2024 to show that, there is no post of “Civil Engineer” in TMC, Haliyal. Unless and until, the said document is taken on record, the same cannot be looked into. Moreover, to decide I.A No.15, the proposed document would also assist the Court. As such, Court proceeds to pass the following:

ORDER

I.A No.18 filed under Order 8 Rule 1A R/w Section 151 of C.P.C by the respondents No.2(b) to 2(d), 3(a), 3(b), 3(d)(ii) is hereby allowed.

The endorsement dated 20.08.2024 issued by the TMC, Haliyal is hereby taken on record.

No order as to costs.

For orders on I.A No.15, Call
on 11.12.2024.

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