

**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC
HAGARIBOMMANAHALLI
ITINERARY SITTING AT SENIOR CIVIL JUDGE
HUVINAHADAGALI**

Dated this the 19th day of April 2025

PRESENT

MADHUSUDHANA D.K. B.A.LL.B.

Itinerary sitting at Senior Civil Judge
Huvinahadagali.

P & SC. No.1/2022

***Petitioner : Smt. H. Rathnamma @
Rathnavva***

V/s

***Respondents : Sri. Basetti Veerabhadrapa
and Others***

**ORDERS ON THE IA NO.5 FILED BY THE PETITIONER
UNDER ORDER 7 RULE 14(3) READ WITH SECTION
151 OF CPC**

The Petitioner Smt Ratnamma has filed the above IA No.5 dated 01.03.2025 and she seeks permission to produce and mark further Documents in the above Petition filed for obtaining of Probate and Succession Certificate by her.

2. In support of the IA No.5, the Petitioner has filed her Affidavit by deposing on oath. In brief, the Petitioner has contended that, the above Case is posted for her further examination-in-chief and due to oversight, the Petitioner could not produce some relevant Documents and therefore, it is necessary for her to mark them in evidence and therefore, the Petitioner has prayed for allowing of her IA No.5.

3. The Respondents No.1 to 3 have filed Objections to the IA No.5. In brief, the Respondents contend that, the Petitioner did not file any Negative, CD or Section 65B Certificate in support of the Photographs and therefore, the Petitioner is not entitled for production and marking of the Photographs.

4. I have heard the contentions of the Rival Parties and I have appreciated the factual aspects of the Case.

5. On appreciation of facts and Legal Aspects involved in the above Application, the Points that arise for my consideration are as follows:

POINTS

1) Whether the Petitioner shows reasons for permission to produce and mark the Additional Documents?

2) What Order?

6. Now, My answers to the above Points are as follows:

ANSWERS

POINT NO.1 : In the Affirmative

POINT NO.2 : As per the final Order, for the following:

REASONS

7. **POINT NO.1** : I have already narrated the Case of the Petitioner and the Defendants at the inception of the above Orders and therefore, to avoid repetition, the same will not be reiterated here.

8. The above Petition is filed by the Petitioner by seeking Succession Certificate in respect of the Death Benefits of Late Sri B. Andanappa which includes his Employment Benefits, Bank and Financial Institutions with which the Deceased had kept the Amounts. The Petitioner has contended that, she was the wife of the Deceased and the Respondents are denying her

relationship with the Deceased. By way of filing the IA No.5, the Petitioner is seeking permission to mark the Death Certificate of Basetti Andanappa, the Order of the Assistant Commissioner and two Photographs. The main Objections and contentions of the Respondents No.1 to 3 to mark these Documents is about non production of Negative, CD or Section 65B Certificate in respect of the Photographs. However, the Respondents are having the opportunity of conducting effective cross-examination of the PW1 in respect of the above Photographs and they are entitled to impeach the credibility of the PW1 over the said Photographs by way of their cross-examination. The remaining two Documents are the Public Documents and therefore, I am of the considered opinion that, the Rejection of the IA No.5 will permanently prevent the Petitioner to produce and mark the Proposed Documents and same will amounts to miscarriage of Justice to her. Therefore, I will answer ***the Point No.1 in the Affirmative.***

9. **POINT NO. 2:** For the above discussion, I proceed to pass the following:

ORDER

The IA No.5 of the Plaintiff filed under Order 7 rule 14(3) of CPC are hereby allowed.

Posted for further chief of PW1 on 06.06.2025.

Sd/-

MADHUSUDHANA D K
Itinerary Senior Civil Judge
Huvinahadagali