

No representation from any counsels and parties.

No representation from defendant No.2 and 3. Hence, objections to IA No.VI by defendant No.2 and 3 taken as nil.

Taken as Heard on IA No.VI.

For Orders on IA No.VI.

Kept by 5.00 pm.

29/01/2025

C.J.& JMFC., B.Bagewadi

ORDER ON IA NO.VI

Counsel for plaintiff has filed IA No.VI U/O 16 Rule-6 R/W 151 of CPC with a prayer to give direction to Pattan Panchayat Nidagundi i.e., defendant No.1 to submit following documents to the court.

a) copy of resolution passed by office of defendant No.1 in the year 1985 with respect to VPC No.1590/3.

b) Copy of resolution passed by office of defendant No.1 in the year 2012 more particularly on the date of purchase i.e. 11/05/1984 with respect to VPC No.1590/3.

In the annexed affidavit, the plaintiff has stated that, the above mentioned documents are

necessary for this court. Hence issuance of direction to defendant No.1 to produce above documents will not cause any hardship to them. On the other hand plaintiff will put to greater hardship if present application is dismissed.

C/defendant No.1 has filed objections to IA No.VI stating that, the application is not maintainable in law and on facts obtaining in the instance case. It is further stating that, the averments sworn in the affidavit are not applicable in present suit and documents sought to be produced are no way concerned to the defendant No.1. It is further contended that, the office of defendant not passed any such resolution which are sought by plaintiff in this application. In fact, the plaintiff has got created bogus documents and got executed sale deeds in his favour, even though he has no right, title, interest over, property number 1590/3 of Nidagundi. It is further contended that property No.1590/3 of Nidagundi belongs to defendant No.1 i.e. Pattan Panchayat Nidagundi. Even after being fully aware about these facts plaintiff not only played upon defendant No.1 but also got created fake documents in his favour however at time of handing over of authority from Gram Panchayat to Pattan Panchayat no resolutions with respect to property No.1590/3 are handed over to defendant No.1. However the suit is filed by plaintiff in the year 2020 but only with an intention to

drag on proceedings this application is filed. Therefore it deserves to be dismissed with heavy cost.

Heard, Perused.

I have perused the I.A. No.VI filed by the plaintiff. The document i.e., Copy of Resolutions pertaining to the VPC No.1590/3 passed in the year 1985 and 2012 by defendant No.1 are not required by this court. It is the plaintiff who has to make efforts by himself to prove his case by standing on his own legs. He cannot file application stating that this court is need of documents. This court is not in need of any documents.

Further, the burden is upon the plaintiff, to prove his case. This suit is filed in the year 2020, and only now when the suit got posted fro his evidence he has filed this application stating that court is in need of these documents. Further, when Defendant No.1 has denied passing of such resolutions, the plaintiff would have produced any document to show that such resolutions are actually passed by Defendant No.1. But there is nothing on record to prove the existence of such sough after resolutions. In the absence of any evidence to show that such resolutions are actually passed by Defendant No.1, no purpose will be served in allowing the present application. It would cause abuse of process of law, if plaintiff

files such applications and thereby tries to collect evidence through court.

Further, in the annexed affidavit, no reason is mentioned so as to direct defendant No.1 to produce sought after documents before this court. By looking at contents of annexed affidavit and plaint pleadings, it is clearly forthcoming that, plaintiff is trying to cause abuse of process of Law by filing such applications wherein no clear reason is mentioned and no such other details are mentioned and no proof is available as to the existence of such documents. More particularly defendant No.1 had clearly denied existence sought after documents in his office. Therefore, without much discussion, I proceed to pass the following;

ORDER.

IA NO.VI filed by the plaintiff
U/o 16 R-6 of CPC is hereby
DISMISSED with costs of Rs.1000/-
payable to defendants.

**For plaintiff evidence and list
of witnesses finally**

Call on 01/02/2025

24/01/2025

C.J.& JMFC., B.Bagewadi