

KAVP410003782016



Presented on : 23-02-2016
 Registered on : 23-02-2016
 Decided on : --
 Duration :

**IN THE COURT OF
 CIVIL JUDGE AND JMFC MUDDEBIHAL AT
 Muddebihal, VIJAYAPURA
 Presided Over by Hon. Sri. SURESH ANNAPPA SAVADI**

O.S./66/2016

Plaintiff:
 Shantawwa Hugar Urf Pujari
 Age: 35
 Occupation :
 Address: Banashankari nagar, Muddebihal

VERSUS

Defendent:
 Mustak Hipparagi
 Age: 0
 Occupation :
 Address: Banashankari nagar, Muddebihal

 Advocate for Plaintiff: Baluti K N
 Advocate for Defendent: M.S.Halli appearing for Mustak Hipparagi:
 Advocate appearing for respectively.

ORDERS ON I.A.No.5

The plaintiff filed I.A.No.5 U/o.16 Rule 6 R/w.151 of CPC to issue witness summons to the Chief Officer, TMC to give evidence in respect of the suit along with documents which were available in their office.

2. In the affidavit contended that, the plaintiff has furnished the list of witnesses and in the list of

witnesses the name of the Chief Officer TMC has been shown as witness. The plaintiff has requested the Chief Officer TMC to give the evidence in this case, for that he replied that, he will give evidence only after receipt of the summons or notice from the court. To prove the case it is necessary to issue witness summons to the Chief Officer TMC, Muddebihal to give the evidence along with the relevant documents in respect of the suit. Hence, prays to allow the application.

3. On the other hand the defendant filed objections and in the objections contended that, already the plaintiff has produced 7 documents which were marked as Ex.P.1 to 7. The plaintiff has furnished the list of witnesses and in the said list Chief Officer TMC, Muddebihal was appearing and already the documents marked which were given by the TMC, Muddebihal. Hence, there is no question of issuing of witness summons to the Chief Officer TMC, Muddebihal. There is no sufficient reasons in the accompanying affidavit and only to drag the matter filed this application. Hence, prays to reject the application by imposing costs of Rs.5,000/-.

4. Heard the both sides.

5. After going through the materials available on record, the plaintiff filed this suit for recovery of possession in respect of the property No.85/107 measuring 20x30 and that has been granted by the Government in the year 2001-02. The plaintiff neither in the application nor in the affidavit did not stated what all are the documents intended to produce before

the court from the custody of the Chief Officer, TMC. In the affidavit contended that, the Chief Officer TMC has to produce the suit related documents but which all are the documents did not stated. As per the provisions of the CPC the applicant has to show sufficient reasons which all are the documents in the custody of the Chief Officer that has not been specifically stated. Hence, under such circumstances and also after going through the same there is no sufficient reasons. Hence, under such circumstances this Court is opinion that, the plaintiff has failed to show the sufficient reasons to allow the application. Hence, this Court proceed to pass the following;

ORDER

The I.A.No.5 filed by the plaintiff U/o.16

Rule 6 R/w.151 of CPC is hereby rejected.

Date:09.03.2022

(Hon. Sri. SURESH ANNAPPA SAVADI)
CIVIL JUDGE AND JMFC MUDDEBIHAL