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**IN THE COURT OF PRL CIVIL JUDGE AND JMFC., AT YADGIRI****PRESENT****Sri. Arun Chougule,****B.A.LL.B.[Hons.]****Prl. Civil Judge and J.M.F.C, Yadgiri****Dated this the 02nd day of June-2026****ORIGINAL SUIT NO.179/2010**

PLAINTIFF/S:- Sri. Laxman S/o Late Mallappa,
Age: 71 Years, Occ: Agriculture
R/o Ganpur village, Tq: & Dist: Yadgiri.

(By Sri. D.M. Advocate)**-V/S-**

DEFENDANT/S:- 1. Sakrappa S/o Late Honnappa,
Age: 50 Years, Occ: Business,
2. Bhimshappa S/o Late Honnappa,
Age: 45 Years, Occ: Agriculture,
3. Saibanna S/o Late Honnappa,
Age: 42 Years, Occ: Advocate,
4. Narasappa S/o Late Honnappa,
Age: 10 Years, Occ: Agriculture,
5. Manishappa S/o Late Honnappa,
Age: 38 Years, Occ: Agriculture,
6. Ravi Kumar S/o Late Honnappa,
Age: 35 Years, Occ: Agriculture,

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All are R/o Ganpur village,
Tq: & Dist: Yadgiri

(By Sri. M.K.V.A Advocate)

IN I.A.No.41

Applicants/ defendnat/s: Sri. Sabanna S/o Late Honnappa,
and Others

-V/S-

Opponents/defendant/s : Sri. Laxman S/o Late Mallappa by
his GPA Holder.

i.	<i>Provision under which the application is filed</i>	Under Order 13 Rule 10 R/w Sec.151 of CPC
ii.	<i>Relief sought for</i>	<i>Seeking to summon the order sheet</i>
iii	<i>The date on which the application is filed</i>	02.04.2026
iv.	<i>Number of the application</i>	IA No.41
v.	<i>The date on which the objections are filed by different opponents</i>	
vi.	<i>The date on which the orders were passed on the said application.</i>	02.06.2026

ORDER ON I.A.NO.41

The defendants have filed the present application under Order 13 Rule 10 read with Section 151 of the Code of Civil Procedure (CPC), seeking to summon the order sheet of file No.

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LRY/SCR/526/1974-75 dated 31.12.1974 of the Yadgiri Land Tribunal from the Tahasildar, Yadgiri.

2. Defendant No. 1 has sworn to an affidavit in support of the application, stating that this Court had summoned the original file No. LRY/SCR/526/1974-75 from the Tahasildar, Yadgiri. However, the Tahasildar has not submitted the order sheet of the said proceedings to the Court in the said file. The order sheet is necessary to ascertain the actual proceedings and to determine who filed the declaration marked as Ex.P-52, Form No. 10 marked as Ex.P-52, and the annexures marked as Ex.P-53 to Ex.P-55, Ex.P-56, and Ex.P-57. The order sheet is vital for conducting a fair trial. Hence, the defendants pray to allow the application.

3. The learned counsel appearing for the plaintiff submitted oral objections to the application, contending that the original file bearing No. 526/1974-75 itself is in the custody of this Court; therefore, I.A. No. 41 is irrelevant and deserves to be dismissed.

4. I have heard arguments learned counsel for both parties and perused the records.

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5. After hearing the arguments and perusal of pleading and records, the following points arise for my consideration.

1. Whether application deserves to be allowed?

2. What order?

6. My findings on the above points are as under;

Point No.1 : In the Negative.

**Point No.2 : As per final order,
for the following:**

REASONS

7. **POINT NO.1:** The plaintiff has filed the present suit seeking the relief of declaration of title, permanent injunction restraining the defendants from interfering with his possession over the suit land and direction to the revenue authorities to enter his name by deleting the name of defendants' father in the RTC of suit land bearing Sy.No.3 measuring 20 acres 07 guntas situated at Ganapur village of Yadgiri Taluk.

8. The case of the plaintiff is that, the suit property was purchased by his grandfather in the name of defendants' father. Thereafter, the suit property was fallen to the share of plaintiff in an oral partition held on the day of Basava Jayanti of 1979.

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Accordingly, the plaintiff being the absolute owner is in possession and enjoyment of the suit land. However, the revenue records of the suit property continued in the name of father of defendants. It is alleged that, the defendants taking undue advantage of name of their father appearing in the records started causing interference to the plaintiff's possession over the suit property. Hence, the plaintiff was constrained to file the present suit.

9. On the other hand, the defendants having appeared through their counsel filed written statement denying the case of the plaintiff contending that the suit land was purchased by their father out of his own earnings and therefore, the suit property was self-acquired property of their father. The defendants, denying the plaintiff's title and possession over the suit land as also the factum of alleged oral partition, claimed to be the owners and in possession thereof.

10. Thereafter, this Court, having regard to pleadings of both the parties, framed necessary issues and having recorded evidence of both the parties, dismissed the suit of the plaintiff by judgment dated 12.01.2016. Aggrieved by the same, the

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plaintiff filed appeal before the Hon'ble Court of Senior Civil Judge, Yadgiri in RA No.13/2018. The appeal was allowed by judgment dated 21.08.2021 and the matter was remanded back to this Court for fresh disposal with a direction to give opportunity to the plaintiff to adduce additional evidence and to conduct cross-examination of Dw.1 and 2. Accordingly, the matter was restored to its original number.

11. Thereafter, this Court recorded additional evidence and the matter came to be posted for final arguments on merits. At this stage, the plaintiff filed IA No.37 under Order 13 Rule 10 of CPC seeking to summon original documents from the Tahasildar, Yadgiri.

12. As the material on record suggest, the plaintiff claims that the suit land Sy.No.3 measuring 20 acres 07 guntas was an ancestral property and the same was fallen to his share in a family partition. On the other hand, the defendants contend that the suit property was a self-acquired property of their deceased father Honnappa, who had purchased the same under a registered sale deed dated 10 Behamen 1359 Fasli.

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13. The plaintiff, in order to prove the factum of partition, has produced Ex.P-23 document. The plaintiff claims that Ex.P-23 is written by father of defendants by name Honnappa in his own handwriting wherein the list of properties fallen to the share of himself, the plaintiff and their brothers is mentioned. The defendant No.3/Dw.1 in his cross-examination denied the suggestion that Ex.P-23 document was written by his deceased father. However, the witness has admitted that his father being Patawari has written Ex.P-63 to 72 documents. The said Ex.P-63 to 72 are the jamabandi documents written by father of defendants in his capacity as the Patawari of Ganapur village. The DW.1 further denied that the signatures appearing in Ex.P-57 notice and P-59 statement belong to his father while admitting his father signature appearing in Ex.D-50 service register book. As the Dw.1 having denied the handwriting and signature of his father in Ex.P-23, Ex.P-57 and Ex.P-59 documents has admitted his father's handwriting in Ex.P-63 to 72 documents and signature in Ex.D-50 document, the plaintiff filed IA No.37 under Order 13 Rule 10 of CPC seeking to summon the original documents containing handwriting and signature of the defendants' father from the Tahasildar Yadgiri. The said application was allowed by this Court by an order

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dated 11.08.2025 and summons was issued to the Tahasildar Yadgiri to produce the relevant original documents. Accordingly, the Tahasildar Yadgiri has submitted original documents to this Court on 12.09.2025.

14. Thereafter, the plaintiff filed IA No.38 U/s 45 of Indian Evidence Act seeking to refer the Ex.P-23, Ex.P-57, Ex.P-59 and Ex.D-50 documents along with documents containing admitted signature and handwriting for expert opinion regarding handwriting and signature of the defendants' father. The said application was allowed by an order dated 18.10.2025 and the disputed documents were referred for expert opinion to the FSL Kalaburagi. The FSL authorities have submitted a letter dated 09.12.2025 stating that since Ex.D-50 service book Late Honnappa containing his admitted signature is a photocopy, the same is not suitable for examination. The FSL authorities further sought this court re-submit the documents along with original admitted signatures of Late Honnappa. As such, the plaintiff filed IA No.39 U/o 13 Rule 10 of CPC seeking to summon the original service book of Late Honnappa from the Tahasildar Yadgiri. While IA No.39 was pending consideration, the defendants filed IA No.40 U/s 45 of Indian Evidence Act

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R/w Sec.39 of Bharatiya Sakshya Adhiniyama seeking to refer Ex.P-52 to P-57 and P-61 documents for expert opinion to prove that the contents of said documents were written by Shri.S. Hanumanthappa and the present application U/o 13 Rule 10 of CPC seeking to summon the order sheet of Land Tribunal proceedings from the Tahasildar, Yadgiri.

15. It is relevant to mention that neither the application nor the accompanying affidavit provides any reason as to why the production of the original order sheet of the Land Tribunal proceedings is necessary. There is no averment in the application that the declaration and annexures were submitted to the Land Tribunal by Shri S. Hanumantappa or the plaintiff, rather than by the propositus Mallappa or the defendants' father.

16. Furthermore, if the said order sheet was indeed necessary as contended by the defendants, they ought to have made efforts to obtain a certified copy of the same. However, they have failed to make any such effort to secure a certified copy of the order sheet. As already noted above, the defendants have not established sufficient grounds to summon the original

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order sheet of the Land Tribunal proceedings from the Tahasildar.

17. There is no clear averment in the application demonstrating how the order sheet is relevant to the case at hand, especially since there is no allegation that the declaration and annexures were submitted either by the plaintiff or by Shri S. Hanumantappa. Hence, this Court finds no grounds to allow the application. Accordingly, Point No. 1 is answered in the negative.

18. **POINT NO.2:** In view of the above discussion, the following;

ORDER

IA.No.41 filed by the defendants under
Order 13 Rule 10 R/w Section 151 of CPC is
hereby dismissed.

No orders as to costs.

(Dictated to the stenographer, typed by him and after corrections,
pronounced in the Open Court on this the **02nd day of June, 2026.**)

(ARUN CHOUGULE)
PRL.CIVIL JUDGE & JMFC,
YADGIRI.