



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.203411 OF 2023 (GM-CPC)

BETWEEN:

ANJANADEVI W/O LATE KALYANRAO,
AGE: 46 YEARS, OCC: AGRICULTURE AND
HOUSE HOLD RESIDENT OF KOTAGA VILLAGE,
TQ. CHINCHOLI, DIST. KALABURAGI-585313.

...PETITIONER

(BY SRI. SHARANABASAPPA K. BABSHETTY, ADVOCATE)

AND:

1. GUNDAMMA W/O ASHOK,
AGE: 51 YEARS OCC: AGRICULTURE AND
HOUSEHOLD AND AGRICULTURE,
2. ANITA D/O ASHOK
AGE: 17 YEARS OCC: STUDENT,
3. MALLIKARJUN S/O ASHOK,
AGE: 14 YEARS OCC: STUDENT
THE RESPONDENT NO.2 AND 3 ARE MINORS
U/G OF THEIR MOTHER RESPONDENT NO.1,
ALL RESIDENT OF KOTAGA VILLAGE,
TQ. CHINCHOLI DIST. KALABURAGI-585313.
4. LAXMIBAI W/O SHANTPRABHU,
AGE: 27 YEARS OCC: AGRICULTURE AND
HOUSE HOLD RESIDENT OF KOTAGA VILLAGE,
TQ. CHINCHOLI, DIST. KALABURAGI





NOW RESIDING AT NANDGAON VILLAGE,
TQ. HUMNABAD DIST. BIDAR-586329.

...RESPONDENTS

(BY SRI. BASAVARAJ KAREDDY, ADVOCATE FOR R1 TO R3;
V/O DATED 09.07.2026 NOTICE TO R4 IS D/W)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A) A WRIT OF CERTIORARI QUASHING THE ORDER DTD. 06.11.2023 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT CHINCHOLI, ON I.A NO. IV, IN OS NO.30/2022 VIDE ANNEXURE-E TO THIS WRIT , B) ANY OTHER WRIT OR ORDER OR DIRECTION TO WHICH THIS HONOURABLE COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE, INCLUDING THE COST OF THIS WRIT PETITION.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the defendant No.1 in OS No.30/2022 is directed against the impugned order dated 06.11.2023 passed by the Senior Civil Judge and JMFC-Chincholli, whereby the I.A.No.IV filed by the petitioner/defendant No.1 under Order XVI Rule 7 and Order XI Rule 14 CPC of seeking issuance of summons to the Tahsildar, Chincholli to produce documents as sought for in the application was rejected by the Trial Court.



2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the material on record. For the order proposed notice to respondent No.4 is dispensed with.

3. A perusal of the material on record will indicate that the respondent Nos.1 to 3-plaintiffs instituted a suit in OS No.30/2022 against the petitioner/defendant No.1 and respondent No.4/defendant No.2 for partition and separate possession of their alleged share in the suit schedule immovable properties and for other reliefs. The said suit is being contested by the petitioner/defendant No.1 and respondent No.4/defendant No.2. After commencement of trial, at the stage of defendants' evidence, the petitioner/defendant No.1 filed the instant application seeking summoning the Tahasildar, Chincholli to produce certain documents relating to the suit schedule properties. The said Application having been opposed by the respondent No.1 to No.3/plaintiffs, the Trial Court proceeded to pass the impugned order rejecting the



application on the main ground that the petitioner having not approached the Tahsildar before filing the application, is not entitled to seek summoning of the said documents from the jurisdictional Tahsildar as sought for in the application.

4. In my considered opinion, merely because it is open for the petitioner to approach the Tahsildar and secure the documents from him, the said circumstance could not have been made the basis by the Trial Court to refuse issuing summons to the Tahsildar for the purpose of producing documents, in relation to the suit schedule properties, especially when the respondent Nos.1 to 3 would not be caused any prejudice if the said documents were summoned from the Tahsildar and they would have an opportunity to adduce evidence and also cross examine the Tahsildar after he produces the said documents.

5. Under these circumstances, I am of the considered opinion that the Trial court clearly fell in error in rejecting the application filed by the petitioner, which



has occasioned failure of justice warranting interference by this Court in the present petition.

6. In the result, I pass the following:

ORDER

- i. The writ petition is ***allowed***. The impugned order dated 06.11.2023 passed on I.A.No.IV in OS No.30/2022 at Annexure-E is set aside.
- ii. I.A.No.IV filed by the petitioner stands allowed and the Trial Court is directed to issue summons/notice to the jurisdictional Tahsildar, Chincholli to produce documents as sought for in the application and to give evidence and proceed further in the matter and dispose of the suit, as expeditiously as possible, preferably within a period of six months from the date of receipt of copy of this order.



- iii. Liberty is reserved in favour of the petitioner and respondents to examine/cross examine the jurisdictional Tahasildar, with regard to the documents produced by him.
- iv. All rival contentions on all aspects of the matter, including the documents produced by the Tahasildar and evidence given by him, are kept open and no opinion is expressed on the merits/demerits of the rival contentions.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE