CNR: KAHC010037302024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 2005 OF 2024 (GM-CPC)

BETWEEN:

SRI. N.KESAVELU
S/O THE LATE NANDIAPPAN,
AGED ABOUT 65 YEARS,
RESIDING AT NO.71,
2ND CROSS, KANAKADASA LAYOUT,
LINGARAJAPURAM, ST.THOMAS TOWN POST,
BENGALURU-560 084.

...PETITIONER

(BY SRI. JANARDHANA.G., ADVOCATE)

AND:

K.S.F.C. EMPLOYEES HOUSING
CO-OPERATIVE SOCIETY LIMITED,
REPRESENTED BY ITS SECRETARY,
NO 1/1, THIMMAIAH ROAD,
BENGALURU-560 052.

...RESPONDENT

(BY SRI. VIJAYA SHEKARA GOWDA.V., ADVOCATE)

Digitally signed by SUMATHY KANNAN
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 12.01.2024, PASSED BY THE LXIV ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-65) AT BENGALURU CITY, REJECTING IA NO. XII FILED BY THE PETITIONER IN O.S NO.4595/2022, VIDE ANNEXURE-H TAKING WITNESS SUMMONS TO BDA, AND CONSEQUENTLY ALLOW THE SAME AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

1. The present petition seeks to challenge an order dated 12.01.2024 in O.S.No.4595/2022 on the file of the LXIV Additional City Civil and Sessions Judge (CCH-65), Bengaluru City (hereinafter referred to as the 'Impugned Order'). By the Impugned Order, an application being I.A.No.12 under Order 16 Rule 1 read with Section 151 of the Civil Procedure Code has been dismissed by the learned Trial Court.

2. Learned counsel for the petitioner/plaintiff has submitted that the suit was filed based on a registered Sale Deed dated 28.02.2022 and for a declaration of ownership of 1200 sq. ft. of the suit schedule property. He submits that previously the Bangalore Development Authority (BDA) had acquired some portion of Survey No.23 which forms part of the suit schedule property and a

layout was formed. It is in this layout, that the respondent/defendant also claims ownership overlapping the property of the petitioner/plaintiff. The learned counsel further submits that he has explained in his application that as far as concerns 2 acres and 14 guntas of land, the BDA acquired only 2 acres and 14 guntas of land were not acquired and it is out of that 14 guntas that the suit schedule property has been purchased. The learned counsel further submits that the respondent/defendant produced the photocopy of these documents and since despite the repeated questions in the cross-examination, he was unable to produce the original documents, the application was filed. Learned counsel for the petitioner/plaintiff also submits that the documents are necessary for adjudication of the disputed issues in the case.

2.1 During the cross-examination of DW1, an application was filed by the petitioner/plaintiff under Order XVI Rule 1

read with Section 151 of the CPC, on 03.01.2024 seeking production of a witness in respect of the Karnataka State Finance Corporation (KSFC) Layout formed on various survey numbers including Survey No.23, Lingarajpuram, Bengaluru, through the Assistant Executive Engineer of the BDA.

2.2. The application was objected to by the Respondent/defendant taking several reasons including that the petitioner/plaintiff wants to confuse the issues as well as the fact that the petitioner/plaintiff has not proved his own case and is now taking the assistance of the respondent/defendant to prove his case.

2.3 The learned Trial Court after examining the application, by the Impugned Order has held that the application has been filed belatedly. It has further been held that the petitioner/plaintiff has to prove the case on his own strength and cannot take advantage of the weakness of the respondent/defendant. In addition, it has

also been found by the learned Trial Court that no document has been placed on record to show that the petitioner/plaintiff has made any efforts to get these documents priorly and he is shifting his burden on the Court to collect documents for his evidence.

3. Learned counsel for the respondent/defendant on the other hand submits that the petitioner/plaintiff himself did not file any documents in support of averments in his case at an early stage. It is contended that this application is a futile attempt of the petitioner/plaintiff to make the respondent/defendant to produce evidence on his behalf and that the petitioner/plaintiff is exceeding his limits in calling for such witnesses. Learned counsel further submits that the petitioner/plaintiff has already admitted that 14 guntas have been left over by the BDA at different places and that instead of examining his own vendor, he is cross-examining DW1 to prove his case. Lastly, it is contended by the respondent/defendant that the petitioner/plaintiff is

only trying to confuse the case and the Assistant Commissioner cannot be examined since it is the duty of the petitioner/plaintiff to produce his own evidence.

4. Briefly, undisputed facts are that a suit for declaration and injunction, seeking title over the suit schedule property was filed by the petitioner/plaintiff. The suit was contested by the respondent/defendant claiming rights over the property including over that portion of the schedule property that belonged to the petitioner/plaintiff. A counter claim was also filed by the respondent/defendant on 01.06.2023 in this behalf.

5. This Court has examined the pleadings on record. The suit was filed for declaration and injunction in respect of the suit schedule property site No.5, formed out of Survey No.23, situated at Lingarajapuram Village, Kasaba Hobli, Bangalore North Taluk, which was purchased by a registered Sale Deed dated 28.02.2022 vide Document No.HBB-1-05179-2021-22 stored in C No.HBBD987, Book

No.1, in the office of Sub Registrar, for a valuable consideration of Rs.28,52,000/-. It is the averment of the petitioner/plaintiff in the plaint that the even though the respondent/defendant has no right, title or interest in the property, he is taking advantage and interfering with his possession. The prayers in the plaint as well as the scheduled property are extracted below:

P R A Y E R

"WHEREFORE, *this Hon'ble Court may be pleased to:*

i) Grant an Order of Permanent Injunction restraining the Defendant, their men, servants, agents or anybody claiming under them, from interfering with the plaintiff's possession and enjoyment of the suit schedule property; and

ii) Grant any other relief or reliefs as this Hon'ble Court deems fit to grant to the Plaintiff in the circumstances of the case, in the interest of justice.

iii) To declare that the plaintiff is the absolute owner of the Suit schedule property.

S C H E D U L E

All that piece and parcel of the immovable property bearing Site No.5, formed out of Survey No.23, Assessment No.23, situated at Lingarajapuram village, Kasaba Hobli, Bangalore North Taluk, Bangalore, now assigned as BBMP Katha No.23/5, presently situated at 3rd 'A' Kanakadasa Layout L.R.Pura, Bangalore, Old BMP

Ward No.87, now comes under BBMP ward No.49, measuring East to West: 40 feet, North to South: 30 feet, totally measuring 1200 square feet, and bounded on the:

East by	-	*Private property,*
West by	-	*Road,*
North by	-	*Site No.6, and*
South by	-	*Site No.4*

6. The suit was contested by the respondent/defendant. In addition to denying the averments in the plaint, the respondent/defendant filed a counter claim on his own stating that the petitioner/plaintiff is interfering with the respondent/defendant's property. It is the contention of the respondent/defendant in his counter claim that the in pursuance of deliberations, 12 acres of land was allotted in Survey Nos.23, 16, 17, 18, 19, 20, 22 and 35 of Lingarajpuram village, as well as Survey No.74/1, 2, 3, 51/4, 81/3, 4, 5 and 82/2 of Kacharakanahalli in Bengaluru and the BDA had handed over 12 acres of land to KSFC Employees' House Building Co-operative Society Limited and also has approved forming of a private layout for such society. It is also stated in the counter claim that

the copy of the layout plan is produced and marked as Document No.3. The respondent/defendant further sets out that he has also approached the Court seeking the relief of injunction. The relevant extract of the counter claim is extracted below:

> " *xxx* *xxx* *xxx*
>
> *11. It is submitted that, based on the allotment of the bulk lands and the fact that* ***the BDA has handed over 12 acres of lands on 21.01.1986 to KSFC Employees House Building Co-operative Society Limited has been effected the name of the Plaintiff and accordingly the revenue records have been entered in the name of the Defendants.*** *A copy of the Possession Certificate dated 24.02.1986 is produced herewith and marked as Document No.2.*
>
> *12. It is submitted that,* ***the BDA has also approved for forming a private layout by the society in the above Survey Nos keeping in the housing and other needs of the members.*** *A copy of the layout plan is produced herewith and marked as Document No.3. It is submitted that as stated above, most of the sites formed in the said layout were allotted to the members of the Defendants Society and very limited sites were kept vacant and the said vacant sites were also ready for allotment to the Defendants members.*
>
> *13. It is submitted that the Defendant has approached the court seeking the relief of injunction against the Plaintiffs vendor and other like purchasers like the Plaintiff herein, from interfering with the peaceful possession and enjoyment of the Defendant over other acquired properties.*
>
> *xxx* *xxx* *xxx*
>
> ***Wherefore, it is prayed that this Hon'ble Court be pleased to :-***

(a) Be pleased to dismiss the suit of the plaintiff with exorbitant cost.

(b) ***Declaring that, the defendant KSFC society is the absolute owner in respect of the counter claim schedule property in terms of the acquisition of land measuring 2 acres out of 2 acres 14 guntas*** *in Sy No.23 of Lingarajapura Village and as well as adjoining acquired Sy Nos. 16, 17, 18, 19, 22 and 35 of Lingarajapura Village and Sy No.74/1, 2, 3, 51/4, 81/3, 4, 5 and 82/2 of Kacharakanahalli village of bulk land to an extent of 12 acres as per Document No.1.*

(c) Declaring that, the fraudulent sale deed dated: 28.02.2022 purported *to be executed by M. Balaraj in favour of the plaintiff N. Kesavelu in respect of alleged suit schedule property, it is nothing but counter claim schedule property, vide sale deed REG. No.HBB-1-05179/2021-22 in Book No.1 stored on C.D No. HBBD987, registered in the office of the Sub-registrar, Gandhinagara (Hebbal),* ***Bengaluru is null and void and same is liable to be cancelled required under section 31 of Specific Relief Act and*** *intimate the same to the above said Sub-registrar to remove the encumbrance from its records and to keep the counter claim schedule property free from all encumbrances.*

(d) ***Pass a Judgement and Decree of mandatory injunction against the plaintiff by directing the plaintiff to remove/demolish the illegal and unauthorized residential RCC structure put up on the counter claim / written statement schedule property*** *during pendency of the suit at the sole cost and expenses of the plaintiff and deliver the vacant possession of the counter claim schedule property (suit schedule property) to the defendant society. In case, if the plaintiff failed to do so, then this Hon'ble Court be pleased to remove/demolish illegal and unauthorized residential RCC structure put up on the counter claim / written statement schedule property (suit schedule property) through the process of this Hon'ble Court with sole, cost, risk and expenses of the plaintiff and deliver the vacant possession of the counter claim / written statement schedule property to the defendant society, in the interest of justice and equity.*

*(**e) Permanently restraining the plaintiff,** his LRs, assigns, agents, P.A Holders or anybody claiming through him from alienating or creating any third-party interest, charge or encumbrance over the counter claim /written statement schedule property (suit schedule property) of the defendant society until final verdict, in the matter.*

(f) The defendants most respectfully prays that this Hon'ble Court be pleased to decree the counter claim and award the cost of the counter claim proceedings.

SCHEDULE PROPERTY AS PER BDA APPROVED LAYOUT PLAN DOCUMENT No.8 KSFC LAYOUT

All that piece and parcel of the KSFC Layout site No.5, measuring East to West 40 feet and North to South 30 feet in all measuring 1200 square feet, situated in KSFC Layout formed in Sy No.16, 17, 19, 20 and 23 of Lingarajapura Village and Sy No.74/1, 2, 3, 51/4, 81/3, 4, 5 and 82/2 of Kacharakanahalli village of bulk land to an extent of 12 acres Kasaba Hobli, Bengaluru North Taluk, Bengaluru - 560084 as per Document No.1, presently the plaintiff illegally constructed RCC residential house during pendency of the suit and the same is bounded on:

East by : Site No.15,
West by : 40 Feet Road,
North by : Site No.6,
South by : Site No.4"

[Emphasis Supplied]

7. It is not in dispute that evidence (cross-examination of D.W.1) was going on at the time when the application was filed. An examination of the affidavit attached to the

application also sets this out that at the time of cross-examination, DW1 had stated that he would bring the original records, but thereafter he has stated that he does not have the original records. Hence, it is necessary to examine the witness from the BDA for these documents. The relevant extract of the application and affidavit is below:

> ***"APPLICATION UNDER ORDER XVI RULE 1 READ WITH 151 OF CODE OF CIVIL PROCEDFURE,*** *the plaintiff in the above case prays that for the reasons sworn to in the accompanying memorandum of facts* ***that this Hon'ble Court may be pleased to issue witness summons to produce the document and give evidence in respect of K.S.F.C layout formed on various survey numbers*** *including Survey No.23, Lingarajpuram, Bengaluru mentioned below in the interest of justice and equity.*
>
> *1. Assistant Executive Engineer,*
> *No.1, (North) Sub division B.D.A,*
> *B.D.A Shopping Complex,*
> *R.T. Nagar,*
> *Bengaluru-560032.*
>
> ***AFFIDAVIT***
>
> *xxx xxx xxx*
>
> *2. I state that in the above case I have taken up the contentions suit schedule property* ***was not released by the BDA in favour of the defendant to allot to its members and however it comes within 14 guntas of owners land out of which and I have purchased the suit schedule property. However at the time of***

> ***cross examination of DW1 he has stated that original records pertaining to KSFC layout suit schedule property are not available in his office and he does not know where it has been produced. However the photocopies of the said documents issued by the said authority have been marked and hence it is necessary to examine the witness from BDA site to prove said disputed issues.*** *Defendant is also relying upon the BDA documents relating to allotment of site and formation of layout and hence it is necessary to issue Witness summons as sought for."*
>
> [Emphasis Supplied]

8. Objections were filed by the respondent/defendant to this application. The relevant extract of the objections is set out below:

> ***"****1. That, at the outset, the application I.A No. 12 filed by the Plaintiff under Order 16 Rule 1 R/w Section 151 of CPC seeking an order to issue a witness summons to produce the document and give evidence in respect of KSFC Layout formed on various survey numbers including Sy No. 23 of Lingarajapura Village, Bengaluru at this stage is not maintainable either in law or on facts as the same is full of falsehood, total misrepresentation, invented, afterthought one, frivolous, vexatious, meritless, devoid of truth and merits and it is not relevant to deal with the above case.* ***Hence, the application filed by the Plaintiff is not only fictitious but also frivolous as document*** *sought to be produced by the witness listed in I.A No. 12 and to give evidence thereon is a futile attempt of the plaintiff and as well* ***as plaintiff is exceeding his limits in calling for such a witness to produce the documents and to give evidence is outside the scope of the suit, the proposed witness does not concern with the subject matter of the suit and counter claim. Hence, the above application is liable to be dismissed in limine.***

2. <u>The defendant further submits that, the very application filed by the plaintiff is not only blanket and no particulars made out in the application and as well as in the affidavit.</u> *It is the duty of the plaintiff to prove his case and he cannot depend on 3rd party evidence and so also he cannot take advantage of the weakness of the defendant as a trump card as observed by the Hon'ble High Court of Karnataka in the decision reported in* ***<u>2004 (1) KCCR 662 (K. Gopal Reddy Since Dead by LR's V/s Suryanarayan and others)</u>***. ***<u>Thereby, the plaintiff has to prove his case on his own strength and he cannot go beyond the scope of the suit.</u>*** *All the material evidence available on the records of the above case and therefore the plaintiff cannot misuse the proviso Order 16 Rule 1 of CPC. The defendant further submits that he is hereby vehemently and stoutly denied the facts made in para 2 of the affidavit under IA are all as false and incorrect. There is no issue pending in the above case relating to the proposed witness to give any evidence on that point.* ***<u>As admitted by the plaintiff the alleged 14 guntas of land which has been left over by the BDA on different places, the alleged vendor of the plaintiff shall prove where the said patches or segments or piece of land located in Sy No. 23 of Lingarajapura</u>***. *The plaintiff himself admits in his cross-examination that he will examine his alleged vendor Balaraju. Now instead of examining of the said Balaraju he filed the present application to divert the track of this Hon'ble Court and avoided in calling for the said Balaraju to give evidence as his vendor is master in creating documents fraudulently knowingly fully well that the alleged suit and counter claim schedule site no.5 is located in between the row of sites No.1 to 10 in KSFC Layout. The PW-1 plaintiff vehemently admits that we do not know where locates the alleged Kanakadasa Layout. Thus, the plaintiff in order to confuse the issue, he want to examine the Assistant Executive Engineer North Sub-Division BDA as one of the witness, though it is not permissible under law. Hence, I.A No. 12 deserves to be rejected."*

[Emphasis Supplied]

9. This Court has also examined the extract of the cross examination of the parties. The extract of the written statement/counter claim which is reproduced above clearly sets out that the layout plan has been annexed as document No.3. In the cross examination (translation of DW1), it has been set out that DW1 has on different occasions stated that he has the layout plan and, on another occasion, states that the original cannot be found. The relevant extract of the cross examination is set out below:

> ***Further Cross examination of DW1 dated 12.2.2023***
>
> *"6. On that day witness DW1 was present and oath has been administered.*
>
> *It is true that in Ex.P40, work order, it has been shown as portion of land in Sy.No.23 has been only acquired. It is true that BDA has approved the layout plan for 12 acres of land which has been acquired. A* ***question has been put to the witness whether there is any problem in producing the original layout plan of BDA, for that witness answered that the original plan has been lost and further answered that he can produce the true copy of the same before the court. There is a small difference in the approved layout plan and the Ex.D3 plan produced before the court*** *and it is not possible to identify the said difference from the records and give the details of the same to the court. In Ex.D3,*

delineated within the letters ABCDE, Sy.No.23 would come.

xxx xxx xxx

11. It is true to suggest that on site No.37 and 38, Muneshwara Swamy temple is there. It may be true that the total site measurement of site no.5, 11, 29, 32/1, 37, 38, comes to 8450 Sft. It is true that 1 gunta equals 1089 Sft. It may be true that out of the 14 guntas of land retained by the original owners and in terms of Sft it comes to 15,246 Sft, out of which, 8450 Sft is deducted, the balance would be 6796 Sft would be still retained by the original owner. Witness further answered that since on that land, drainage and road has been formed and rest of the land referred above is not available to the owner. ***In Sy.No.23 in KSFC layout, the BDA has marked the existence of the old buildings. It is true to suggest that at the time of acquisition, BDA has noted the building existed 14 guntas of land i.e. 15,248 Sft and for the said reason, only it has acquired 2 acres in the said survey number****. It is true to suggest that the said 14 guntas of the land has been identified by the BDA and rounded off the same and also furnished the details of the same.* ***I have no objection to produce the available records relating to KSFC society."***

xx xx xx

Further continuation of the Cross examination of DW1 dated 18.12.2023

"12. If it is suggested that in the sanction plan on the Eastern side of site No.5, site No.17 and 18 are situated, I cannot remember the same. ***Before giving the evidence I have verified the sanctioned plan and I know the details of the same.*** *In the counter claim schedule property I have given the boundaries to the site No.5****. I have given the said boundaries after verifying the sanction plan and accordingly furnished boundaries and in addition to that I have also ascertained the properties situated on***

the Eastern side of the same and for the same boundaries are furnished*. It is not correct to suggest that in the sanction plan on the Eastern side of the site No.5 site Nos.17 and 18 are situated.* ***I have not produced the sanction plan before the Court. I can produce the copy of the sanction plan."***

xxx *xxx* *xxx*

Cross Examination on 03.01.2024

"21. ***For the question whether you have produced the copy of the approved layout plan, it has been answered that 'I would search and produced the same'. Is it possible for you to identify the counter claim schedule property under Ex.D.3 plan, for that it is answered that 'it could be identified as it is marked in brown color and the same has been marked as Ex.D.3(a) in the plan.*** *It is not correct to suggest that under the approved plan the site No.5 is not shown in the place shown in the Ex.D.3(a) in the copy of the plan produced. It is false to suggest that the counter claim property and suit schedule property are different and according to me both are in the same place. The counter claim property has been shown in the sanctioned plan. Before filing counter claim and giving evidence,* ***I have seen the sanctioned plan issued by the BDA. In the place where the suit schedule property shown in Ex.D.3(a) is not their in the sanctioned plan of the BDA in the same place. If it is suggested that could you able to produce the sanctioned plan to show that where the suit schedule property is situated, "I say that the suit schedule property is not in the sanctioned plan".*** *I have made a counter claim in respect of site No.5 which comes under KSFC layout of which the layout plan has been approved by the BDA. It is true to suggest that I have not produced any documents to show that in the sanction plan where site No.5 is located.* ***In the sanctioned plan, the location of site No.5 is shown where it has been shown in Ex.D.3(a). It is not correct to suggest that I have not produced the sanctioned plan since if it is produced,*** *it will go against me as the counter claim property is not available*

> *in the said plan. From 2011-12, I am trying to get the true copy of the sanction plan and I would produce the endorsement on searching the same in the office, however upto till today, the true copy of the sanctioned plan is not available to the Society."*
>
> [Emphasis Supplied]

10. It cannot be disputed that the petitioner/plaintiff and respondent/defendant are both claiming rights over the overlapping portions of the schedule of survey No.23. Given this aspect of the matter, the presence of the original layout plan as well as its markings would be relevant.

11. No doubt that this application has been filed at a belated stage. However, as stated, in terms of the provisions of Order 16 of the C PC, if a party proposes to call the witness, he must produce list of witnesses and summon the witnesses and the application must not be filed later than 15 days after the date on which the issues were filed. Sub-section (3) of Order 16 also provides that if a sufficient cause for omission is shown, the Court may

for reasons to be recorded, call such witnesses. Order 16 Rule 1 to 3 of the CPC are extracted below:

> ***"Summoning and Attendance of Witnesses:***
>
> ***1. List of witnesses and summons to witnesses.***—*(1) On or before such date as the Court may appoint, and not later than fifteen days after the date on which the issues are settled, the parties shall present in Court a list of witnesses whom they propose to call either to give evidence or to produce documents and obtain summonses to such persons for their attendance in Court.*
>
> *(2) A party desirous of obtaining any summons for the attendance of any person shall file in Court an application stating therein the purpose for which the witness is proposed to be summoned.*
>
> *(3) The Court may, for reasons to be recorded, permit a party to call, whether by summoning through Court or otherwise, any witness, other than those whose names appear in the list referred to in sub-rule (1), if such party shows sufficient cause for the omission to mention the name of such witness in the said list.*
>
> *(4) Subject to the provisions of sub-rule (2), summonses referred to in this rule may be obtained by the parties on an application to the Court or to such officer as may be appointed by the Court in this behalf within five days of presenting the list of witnesses under sub-rule (1).*
>
> ***1A. Production of witnesses without summons.***—*A Subject to the provisions of sub-rule (3) of rule 1, any party to the suit may, without applying for summons under rule 1, bring any witness to give evidence or to produce documents.*
>
> ***2. Expenses of witness to be paid into Court on applying for summons****.—(1) The party applying for a summons shall, before the summons is granted and*

within a period to be fixed which shall not be later than seven days from the date of making applications under sub-rule (4) of rule 1] pay into Court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned in passing to and from the Court in which he is required to attend, and for one day's attendance.

(2) Experts.—In determining the amount payable under this rule, the Court may, in the case of any person summoned to give evidence as an expert, allow reasonable remuneration for the time occupied both in giving evidence and in performing any work of an expert character necessary for the case.

(3) Scale of expenses.—Where the Court is subordinate to a High Court, regard shall be had, in fixing the scale of such expenses, to any rules made in that behalf.

(4) Expenses to be directly paid to witnesses.—Where the summons is served directly by the party on a witness, the expenses referred to in sub-rule (1) shall be paid to the witness by the party or his agent.

***3. Tender of expenses to witness.**—The sum so paid into Court shall be tendered to the person summoned, at the time of serving the summons, if it can be served personally."*

12. Given the dispute that has arisen between the parties and with a view to prevent multiplicity of proceedings, the document as has been sought for would be necessary to be examined and marked. Accordingly, the application is allowed, subject to payment of cost in a sum of Rs.10,000/- (Rupees Ten Thousand) by the

petitioner/plaintiff to the defendant/respondent. The steps for summoning and requisition of witnesses shall be taken by the petitioner/plaintiff within two weeks from today for production of witnesses on the next date of hearing before the learned Trial Court. Both parties shall be at liberty to examine the witnesses and if possible, the examination shall be conducted on the same day itself.

13. Consequently, the petition is ***allowed.*** All pending applications stand closed.

14. Learned counsel for the parties submit that they will not take unnecessary adjournments before the Court. The parties are bound down by the submissions made by their counsel. The Trial Court shall endeavour to dispose of the matter as expeditiously as possible.

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

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List No.: 1 Sl No.: 38