HC-KAR

NC: 2026:KHC:61423
WP No. 32336 of 2026

CNR: KAHC010706322026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 32336 OF 2026 (GM-CPC)

BETWEEN:

1. SRI SHIVAKUMAR,
   S/O KARITHIMMAIAH
   AGED ABOUT 70 YEARS,
   ALANAHALLI VILLAGE AND POST,
   HAMPAPURA HOBLI,
   H.D. KOTE TALUK,
   MYSURU DISTRICT-570028

...PETITIONER

(BY SRI RUDRAPPA P., ADVOCATE)

AND:

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

1. SMT NINGAMMA,
   W/O KULLADASAIAH,
   AGED ABOUT 76 YEARS,

2. SRI. KRISHNAMURTHY
   S/O KULLADASAIAH,
   AGED ABOUT 54 YEARS,

3. SRI. VARADARAJU
   S/O KULLADASAIAH,
   AGED ABOUT 45 YEARS,

4. SRI. LATHA,
   W/O KRISHNAMURTHY,
   AGED ABOUT 41 YEARS,

5. SRI. SHIVANNA,
S/O KARITHIMMAIAH,
AGED ABOUT 55 YEARS,

6. SRI. RAJENDRA,
S/O KARITHIMMAIAH,
AGED ABOUT 48 YEARS,

7. SMT. PREMA,
W/O SHIVANNA
AGED ABOUT 46 YEARS,

8. SMT. MANJULA,
W/O RAJENDRA,
AGED ABOUT 44 YEARS,

9. SRI. SHIVALINGA
S/O DODDATHAMMAIAH,
AGED ABOUT 51 YEARS

ALL RESPONDENTS ARE
RESIDING AT ALANAHALLI
VILLAGE AND POST, HAMPAPURA HOBLI,
H.D.KOTE TALUK,
MYSURU DISTRICT- 570028.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 07-09-2026 (PRODUCED AT ANNEXURE-F) PASSED BY THE II ADDL. CIVIL JUDGE AND JMFC AT HEGGADADEVANAKOTE IN O.S. NO.228/2020, DISMISSING THE APPLICATIONS MADE BY THE PETITIONER UNDER ORDER XVI RULE 6 OF CPC AND ORDER XVIII RULE 17 OF CPC.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present writ petition is filed impugning the order dated 07.09.2026, whereby the applications filed under Order XVI Rule 6 of the CPC, and order XVIII Rule XVII of the CPC seeking to summon the Panchayat Development Officer (PDO) for production of the documents specified therein and seeking permission to reopen the stage of evidence was rejected.

2. Learned counsel appearing for the petitioner submits that a request was made to the PDO to furnish the documents sought to be summoned. However, the request was not acceded to. In view thereof, the application was filed seeking to summon the PDO for production of the said documents. It is further submitted that the examination of the PDO and production of the documents are necessary for the complete adjudication of the suit.

3. Considered the submissions made by learned counsel for the petitioner and perused the impugned order and considered the material on record.

4. The suit is one for permanent injunction, wherein the burden is on the plaintiff to establish entitlement to restrain the defendants from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property. The submission that a request was made to the PDO for furnishing the documents and that, since the documents were not provided, it became necessary to seek their production by summoning the PDO cannot be accepted in the absence of appropriate pleadings or particulars in the application.

5. A perusal of the application reveals that it merely states that the examination of the PDO is necessary to prove the plaintiff's case and that the documents sought to be summoned are also necessary for that purpose. The burden is on the plaintiff to prove his case. The summoning of documents from public authorities cannot be permitted merely on the asking, particularly when the plaintiff has not demonstrated any effort to obtain copies of the documents from the competent authority, which are available in the public domain.

6. In the absence of any such effort, the application, having been filed casually, cannot be entertained, as doing so would result in summoning documents to enable the plaintiff to establish a case that the plaintiff is otherwise required to prove. The plaint itself is silent as to the documents in question. When no foundational pleadings asserting any right over the suit schedule property have been made, neither the PDO nor the documents can be summoned in the absence of such foundational facts.

7. This Court finds no error or infirmity in the impugned order.

Accordingly, writ Petition stands ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 Sl No.: 14