

**BEFORE THE 5TH ADDL-DISTRICT & SESSIONS COURT
AT HASSAN**

PRESENT:- Vithal Vishnupant Joshi

B.com, LL.B(spl)

**5th Additional District and
Sessions Judge, Hassan**

Dated 29th day of March 2021

O.S. 1/2018

Plaintiff :

- ` 1 Jakir Pasha, 42 years, S/o
Mohammed Moosa,
Kushalanagara extension,
Sakaleshapura Town,
Sakaleshapura Taluk, Hassan
District.

(BY Sri.C.N.Y, Advocate)

V/s

Defendants:-

- 1 Veena Siquera A.J, aged about
67 yuears, s/o A.J.Siquera
Aluvalli Estate, Kakana mane
village, Baage post, Belagodu
Hobli, Sakaleshapura Taluk.
2. Post Master, Sakaleshapura
post office, B.M.Road,
Sakaleshapura Town, Hassan
District.
3. The Manager, cauvery
Kalpatharu Grameena Bank,
B.M.Road, Sakaleshapura.

Hassan District.

4. The manager, Cauvery
Kalpatharu Grameena Bank,
Baage Branch, B.M.Road,
Baage, sakaleshapura Taluk,
Hassan District.
5. The Manager, Indian
Overcease Bank, B.M road,
Sakaleshapura Branch,
Sakaleshapura Taluk, Hassan
District.
6. The Manager, State Bank of
India, B.M. road,
Sakaleshapura Branch,
Sakaleshapura Taluk , Hassan
District.

**(D1 and 2 by Sri. H.J.R Advocate
D3 and 4 by Sri. K.M.S Advocate
D.5 by Sri B.J.S and D6 by Sri.
M.C.M Advocates)**

:ORDER ON I.A.No.7:

This application is filed by the Plaintiff under Order 16 Rule 6 R/w Section.151 of CPC allowing for the details of the account and amount not deposited in Defendant no.2 to 6 Branches for the period from 1.4.2017 till date in order to ascertain the quantum of amount.

2. In the affidavit, it is contended by the Plaintiff that P and SC no.12/2017 which is now converted into suit and Plaintiff sought on issue of probate in respect of Will dated: 19.11.2014 executed by Mr.Richmond Sequeira,

Deceased was having account with Defendant banks no.2 to 6. At the time of filing of the plaint, Plaintiff was not aware about, quantum of amount standing in the account of deceased in the said banks. Therefore, it is necessary to summon the Defendant no.2 to 6 to produce the details regarding amount standing in the credit of deceased Richmond Sequeira.

3. Defendant no.1, 3 and 4 were filed objections to this application. It is contended that present application is filed only with malafide intention to grab the amounts. If Plaintiff really had the knowledge to file this petition and mentioned the quantum of amount in the plaint itself. If really deceased Richmond Sequeira was executed the alleged Will in favour of Plaintiff, deceased would have mentioned all the details in the Will itself. Therefore, no sufficient grounds are made out to issue summons to Defendants.

4. Heard the arguments of both the parties, perused the case records.

5. Present suit is converted from P & SC. Plaintiff alleges that deceased Richmond sequeira has maintained several accounts in the Defendant Banks and the quantum of amount standing in the credit of deceased was not known to the Plaintiff. Plaintiff claim probate to execute the Will alleged to have been executed by deceased Richmond Sequeira in his favour. Whether Plaintiff is able

to prove execution of the Will, is a matter of trial during the course of evidence. Now, Plaintiff seeks an interim relief and direct to the Defendants to produce the particulars of the account of deceased Richmond Sequeira. If this material are produced, no loss or hardship will be caused to as Plaintiff or Defendants. Under the circumstances, application filed by the Plaintiff deserves to be allowed. Hence, following order is passed:

:ORDER:

Application on I.A.I is allowed.

Defendant no.2 to 6 are directed to produce the particulars of the accounts held by deceased Richmond Sequeira amounts standing in the credit of his account by 23.4.2021.

(Dictated to the Stenographer, transcribed and typed by her, revised, corrected and then pronounced by me in the open Court, on this the 26th day of September 2019)

(Vithal Vishnupant Joshi)
5th Additional District & Sessions
Judge, Hassan.