

KABG040010462020



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC,
AT : BELAGAVI.**

PRESENT : Smt. Preeti L. Malavalli, B.B.A.,LL.B (Hons.)
Prl. Civil Judge & JMFC.,
Belagavi.

DATED THIS THE 7TH DAY OF MARCH-2026

ORIGINAL SUIT NO.522/2020

PLAINTIFF :

1)	Mr. Rajendra S/o. Bharamanna Narasagouda.
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Vs.

DEFENDANTS :

1)	Mr. Devendra S/o. Neminath Narasagouda & another.
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PARTIES TO I.A.NO.IX & X

Applicant/Plaintiff :

1)	Mr. Rajendra S/o. Bharamanna Narasagouda.
	(By Shri. Y. G. Gumaj, Adv.)

Vs.

Opponents/Defendants :

1)	Mr. Devendra S/o. Neminath Narasagouda & another.
	(By Shri. A. A. Patil, Adv.)

1.	Provision under which application is filed	U/O.XVIII Rule 17R/w. Sec.151 of C.P.C. & U/Sec.151 of C.P.C.
2.	Relief sought for	Reopen the case & to recall PW-1 for further examination-in-chief
3.	The date on which the applications are filed	08.07.2025
4.	Number of application	IX & X
5.	The date on which the objections are filed by different opponent	11.08.2025
6.	The date on which the orders were passed on the said application.	07.03.2026

COMMON ORDERS ON I.A.NO.IX & X

The counsel for plaintiff has filed applications U/O.XVIII Rule 17 R/w. Sec.151 of C.P.C. and U/Sec.151 of C.P.C. praying to reopen the case and to recall PW-1 for further examination-in-chief.

2. In the affidavit annexed to the applications, the plaintiff has stated that recently he changed his counsel and the earlier counsel had not intimated him regarding the progress of the case and on last date of hearing, he came to know that he had to file the present applications in order to lead further examination-in-chief. That the plaintiff would be put to untold hardship and loss if the present applications are not allowed and on the other hand, the defendants will not be put to any hardship or loss if the same are allowed. On these grounds, the plaintiff has prayed to allow the said applications.

3. Per contra, the defendants have filed objection to the said applications on the ground that the applications are not maintainable and the reasons stated therein are false and created. That the PW-1 is examined in-chief long back and he has been partly cross-examined on 04.08.2022 and now he has not made out any grounds to recall PW-1 for further examination-in-chief. That the plaintiff did not avail the said opportunity given in the past and as such the present applications deserve to be rejected. On these grounds, the defendants have prayed to dismiss the present applications with costs.

4. Perused the applications and objection.

5. Heard arguments of both counsel.

6. The following points arise for consideration :

POINTS

- i) *Whether the applicant/plaintiff has made out sufficient grounds to allow the I.A. No.IX and X ?*
- ii) *What order ?*

7. My findings to the above points are as follows :

Point No.1 : In the Affirmative,

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

REASONS

8. **Point No.1 :** This is suit filed by the plaintiff seeking the relief of Mandatory Injunction and consequential relief of Permanent Injunction. The plaintiff has filed present applications seeking to recall PW-1 for further examination-in-chief on the ground that he has recently changed his counsel and he intends to lead further examination-in-chief. Per contra, the defendants have contended that the examination-in-chief of PW-1 is completed long back and he has been partly cross-examined on 04.08.2022 and plaintiff has not availed the said opportunity well within time and hence the applications deserve to be rejected.

9. The perusal of order-sheet reveals that on 16.06.2022 the further examination-in-chief of PW-1 was taken as nil and thereafter on 13.09.2023 the plaintiff changed his counsel. But, the present applications have been filed only on 08.07.2025 i.e., after lapse of about two years and there is inordinate delay in filing the applications. But at the same time, it is pertinent to note that this is a suit for mandatory injunction and permanent injunction in respect of the suit property and the plaintiff has not got marked any documents in support of his case. As such, this Court deems it proper to provide a fair and final opportunity to the plaintiff to lead his further examination-in-chief without causing further delay in the matter and on imposing suitable conditions. Accordingly, I answer **Point No.1 in the Affirmative.**

10. Point No.2 : For the aforesaid reasons, I proceed to pass the following :

ORDER

The applications i.e., I.A.No.IX and X filed by plaintiff U/O.XVIII Rule 17 R/w. Sec.151 of C.P.C. and U/Sec.151 of C.P.C. are hereby allowed on cost of Rs.1,000/- and subject to condition that the plaintiff shall lead further examination-in-chief of PW-1 within next two dates of hearing without fail, failing

which the case shall stand posted for further cross-examination of PW-1 automatically.

Matter is reopened and PW-1 is recalled for further examination-in-chief.

(Dictated to the stenographer directly on computer, revised by me & after corrections pronounced in the open Court on this the 7th day of March-2026.)

**Prl. Civil Judge & J.M.F.C,
Belagavi.**