

KABG300006242018



**IN THE COURT OF SENIOR CIVIL JUDGE,
BAILHONGAL, AT: BAILHONGAL**

PRESENT:

**Shri. Ravi Babu Chawan,
B.A.LL.B.
Senior Civil Judge, Bailhongal.**

O.S. No.91/2018

Dated this the 17th Day of September, 2025

1) Smt. Nirmala W/o Mahadev Bailappanavar
and others

.....Plaintiffs

(By Sri. R.K.P., Advocate)

-Vs.-

1) Smt. Basavaraj Veerabhadrappe @ Basalingappa
Koladur and others,

.....Defendants

(By Sri. A.F.P., Advocate for D1)

(D2 and D3 Ex-parte)

(By Sri. S.R.A., Advocate for D4)

(D5-dismissed)

Parties to IA No.VI

1) Smt. Nirmala W/o Mahadev Bailappanavar,

.....Applicants/Plaintiffs

(By Sri. R.K.P., Advocate)

-Vs.-

1) Smt. Basavaraj Veerabhadrapa @ Basalingappa
Koladur and others,

.....Opponents/Defendants

(By Sri. A.F.P., Advocate for D1)

(D2 and D3 Ex-parte)

(By Sri. S.R.A., Advocate for D4)

(D5-dismissed)

ORDER ON IA NO.VI

The plaintiffs have filed the present application Under Order 18 Rule 17 R/w Sec.151 of CPC praying to set aside the order dated 25-06-2024, closing their evidence and permit them to produce certain documents, in the interest of justice and equity.

2. In the accompanying affidavit filed in support of the application, the plaintiff No.1 has stated that the present suit is one for partition and separate possession, and the matter is now posted for arguments. It is contended that certain documents, which are necessary for adjudication of the matter on merits, could not be produced earlier due to oversight. It is submitted that unless the stage of the plaintiffs' evidence is reopened and the said documents are

received on record, the plaintiffs will be put to irreparable hardship and loss, where as no prejudice would be caused to the defendants. Therefore, it is prayed to reopen the stage of plaintiffs' evidence by setting aside the order dated 25-06-2024 and remaining production of said documents.

3. The application is opposed by the learned counsel for the defendant No.1 contending that the suit is already at the stage of arguments, and the plaintiffs have not filed any application for permission to produce documents. It is further contended that a single application seeking two prayers is not maintainable, and that reopening the stage of evidence without a proper application for production of documents is not permissible in law. Hence, dismissal of the application is sought.

4. Heard both sides and perused the materials on record.

5. Having heard the both side and in view of above rival contentions of the parties, the following points arises for consideration:

POINTS

- 1) Whether the plaintiffs have made out sufficient cause to set aside the order dated 25-06-2024 closing their evidence ?
 - 2) Whether the plaintiffs have shown just and sufficient reasons for reopening their evidence and producing the documents at the stage ?
 - 3) Whether the present application is maintainable in the absence of specification or enlistment of documents sought to be produced ?
 - 4) What order?
6. My findings to the above points is as under;
- Point No.1: In the Negative
Point No.2: In the Negative
Point No.3: In the Negative
Point No.4: As per the final order for the following;

REASONS

7. **Point Nos.1 and 2:-** Since these points inter linked to each other they are taken together for common discussion to avoid repetition of facts.

8. It is not in dispute that on 25-06-2024 the plaintiffs themselves close their side evidence, and thereafter the matter was posted for evidence of defendants and after closing of the evidence on both sides the matter was posted for arguments. By the present application the plaintiff seeks reopening of evidence on the ground that certain documents could not be produced earlier due to oversight.

9. It is a settled principle that the powers Under Order 18 Rule 17 of CPC and Section 151 of CPC are discussionary and intended to advance the cause of justice, but the same cannot be exercised mechanically to fill up lacunae in their evidence already led. Further, reopening of evidence at the stage of arguments is permissible only when compelling reasons are shown and the parties satisfy the Court as to the relevance and necessity of the documents sought to be produced.

10. In the present case, though plaintiffs claim that certain documents are “very much necessary” to decide the matter on merits, they have neither annexed the said documents to the application nor furnished any list describing their nature, relevance, and necessity.

Hence, without disclosure of the documents, the court is unable to assess their significant are necessity. Hence, the plea that the documents are essential remain barred and unsupported. Accordingly, Points Nos.1 and 2 are answered in the negative.

11. **Point No.3:-** As rightly contended by the learned counsel for the defendant No.1, the plaintiffs have not filed any proper application under Order 7 Rule 14 of CPC seeking lieu of the Court to produce additional documents. The present IA only seeks setting aside of the earlier order and reopening of evidence, without specifying are producing the documents in question. Such an Omni bus prayer, un-supported by particulars, cannot be entertained.

12. In view of the above, this court of the considered opinion that the plaintiffs have filed to make out just and sufficient cause for reopening their evidence. The absence of discloser of the very documents sought to be produced is fatal to the application. Hence, the application is liable to be dismissed. Accordingly point No.3 is answered in the negative.

13. **Point No.4:-** In view of the above findings and discussion made on point Nos. 1 to 3, this court deems it fit to pass the following:

ORDER

IA No.VI filed by the plaintiffs under Order 18 Rule 17 R/w Sec. 151 of C.P.C. is hereby dismissed with cost of Rs.500/- payable to the defendants.

(Dictated to the stenographer, transcribed and Computerized by him and then corrected, revised and signed by me and pronounced in the open Court on this the 17th Day of September 2025)

(Ravi Babu Chawan)
Senior Civil Judge, Bailhongal.

