

**IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC,  
AT: JAMKHANDI.**

**PRESENT**

**Smt.Shreedevi,**  
**B.Com LLB,**  
Addl. Civil Judge & JMFC,  
Jamkhandi.

**Dated this the 19<sup>th</sup> day of January – 2026**

**O.S. No.66/2023**

1. Shri.Ishwar S/o Lakkappa Maled,  
Age: 70 years, Occ: Agriculture,  
R/o Madarakhandi village,  
Tq: Jamkhandi, Dist: Bagalkot.

.....Plaintiff.

**(By Shri.A.P.K., Advocate)**

**- Vs -**

1. Shri.Giramallappa S/o Lakkappa Maled,  
Age: 60 years, Occ: Agriculture,  
R/o Madarakhandi village,  
Tq: Jamkhandi, Dist: Bagalkot  
and Others.

.....Defendants.

**(D-1 – Exparte)**

**(D-2 – By Shri.D.M.J., Advocate)**

**PARTIES TO I.A.No.VII & VIII**

1. Shri.Ishwar S/o Lakkappa Maled,

.....Applicant/Plaintiff).

**- Vs -**

1. Shri.Giramallappa S/o Lakkappa Maled,
2. Shri.Shankar S/o Lakkappa Maled,

.....Opponents/defendants.

Sl. No.	Details	Particulars
1	Provision under which the application is filed	1) I.A. No.7. Under Section 151 of CPC. 2) I.A. No.8. Under Order XVIII Rule 17 R/w Section 151 of CPC.
2	Relief sought for	Reopen plaintiff side evidence. To recall of PW-1
3	The date on which the application is filed	25-10-2025 25-10-2025
4	Number of the applications	I.A.No.VII I.A.No.VIII
5	Stage of the case	For F/cross of PW1
6	The date on which the objections are filed by the different opponent/s	08-01-2026 08-01-2026
7	The date on which the orders were passed on the said application/s.	19-01-2026

**COMMON ORDER ON IA NO.7 & 9**

The counsel for plaintiff has filed the application under Section 151 of CPC at IA No.VII and application under Order XVIII Rule 17 R/w Section 151 of CPC at IA No.VIII praying to reopen plaintiff's side evidence and to recall of PW-1.

2. "In the affidavit annexed to the applications, the plaintiff has submitted that he has produced one document, i.e., MR No. 174, with permission of this Court through IA No.VI. The plaintiff now intends to have the said document marked. If the applications are allowed, no loss or prejudice will be caused to the other side. Hence, prays to allow the applications.

3. The counsel for Defendant No. 2 has filed his objection, wherein it is contended that the application has not been filed on any valid or legal grounds. It is further submitted that the plaintiff has filed the present applications at a belated stage. If the applications are rejected, no irreparable loss or prejudice would be

caused to the plaintiff, on the contrary, allowing the application would delay the course of justice. Hence prays to reject the application.

4. On the basis of the pleadings and applications the following points arise for determination:

1. Whether the plaintiff has made out sufficient grounds to reopen the plaintiff side evidence and to recall PW-1?

2. What Order?

5. Heard both the counsels. Perused the available material on record and my findings on the above points are as below;

**Point No.1:-** In the Affirmative.

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

**:: R E A S O N S ::**

6. **Point No.1:-** The plaintiff has filed the present suit for the relief of Partition and Separate Possession as against the defendants.

7. The present applications are filed by the plaintiff, praying for the reopening of the plaintiff's side evidence and for the recall of PW-1, on the ground that the plaintiff has produced one document with the permission of this Court, and in order to prove his case, it is necessary to have the said document marked.

8. In this case, both the plaintiff and the defendants are required to prove their case by examining witnesses and producing documents before this Court. The every party should be given an opportunity to prove their case. The reasons assigned by plaintiff appear to be satisfactory. Therefore, in order to avoid multiplicity of proceedings, I find it just and proper to provide an opportunity to plaintiff to produce the necessary documents and adduce evidence. The defendant No.2 shall has the liberty to cross-examine PW-1/ plaintiff on the said document. Accordingly, the above Point No.1 answered in the '**Affirmative**'.

9. **Point No.2:-** In the aforesaid reasons, this court proceeds to pass the following;

**: ORDER :**

I.A.No. VII and VIII filed by the plaintiff under Section 151 of CPC and under Order 18 Rule 17 R/w Section 151 and of CPC are hereby allowed on cost of Rs.200/- each.

Accordingly, the stage of plaintiff side evidence is reopened and PW-1 is recalled.

*(Dictated to the Stenographer directly on computer and typed by him, and corrected, printout taken, signed by me and then pronounced in the open court on this the **19<sup>th</sup> day of January - 2026**)*

**Sd/-  
(Smt.Shreedevi),  
Addl. Civil Judge & JMFC,  
Jamkhandi.**