

**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC, ANEKAL.**

**04<sup>th</sup> day of February 2025**

**PRESENT:** Sri. Shankarareddy.D.V., L.L.B., PGD in IR & PM.,  
Prl. Civil Judge and JMFC, Anekal.

**OS.No. 134/2011**

**Plaintiff** : Sri. T.N Krishnappa,

**V/s.**

**Defendant** : Smt. Lingamma and another.

**COMMON ORDERS ON IA No.V & VI**

**Plaintiff/ Applicant** : Sri. T.N Krishnappa,

**V/s.**

**Defendant/Opponent** : Smt. Lingamma and another.

\*-\*-\*

**COMMON ORDERS ON IA No.V & VI**

The present two applications filed by plaintiff U/o.XVIII Rule 17 of CPC and U/Sec.151 of CPC praying to reopen the case for further cross-examination of DW1 on behalf of plaintiff and praying to recall the DW1 for further cross-examination.

**2.** In the affidavits annexed to the present application plaintiff stated that he has filed the present suit for specific performance in respect of suit property. It is further stated that, he has filed application U/o.XVIII Rule 10a of CPC to send the Ex.P1 for handwriting expert and same came to be allowed with

direction to the defendants to furnish undisputed signature of T.V Venkataramanappa. Later-on, the defendants filed memo stating that no document available with them containing the signature of deceased T.V Venkataramanappa. Therefore, the matter set down for arguments.

It is further stated that, as the defendants not furnished the admitted signature of deceased T.V Venkataramanappa, further some questions to be asked with regard to Ex.P1 by the plaintiff to the DW1. Accordingly, it is prayed to recall the DW1.

**3.** Averments of present application denied by the defendants by filing objection and contends that the present application is filed by the plaintiff with an intention to drag the matter. Thus, they prayed to reject the present application.

**4.** Having heard both side and on perusal of material available on record, the following points arise for consideration;

1. Whether the plaintiff has made out valid grounds to allow the present application?

2. What order?

**5.** On appreciation of material available on record, the above points are answered as under;

Point No.1 :- In the Affirmative,

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

**REASONS**

**6. Point No.1**:- The plaintiff filed the present suit for specific performance against the Lrs of T.V Venkataramanappa. The alleged sale agreement said to have executed by said to have executed by said deceased T.V.Venkataramanappa and now he is no more. Therefore, after conclusion of both side evidence, the plaintiff herein filed interim application U/o.XXVI Rule 10 of CPC to send the admitted signature of T.V.Venkataramanappa and disputed signature contains in Ex.P1 to the expert opinion. The said application came to be allowed by the court with direction to the defendants to produce the admitted signature of deceased T.V.Venkataramanappa. But the defendants filed memo stating that, they do not have any admitted signatures of said T.V.Venkataramanappa. Therefore, the plaintiff need to put some other questions with regard to Ex.P1 and Ex.P2. Thus, he prayed to allow the present application.

Admittedly, both side evidence concluded in this case on 27-07-2021. Subsequently, matter adjourned one or other reason. Now, the plaintiff prayed to recall the DW1 for further cross-

examination on the aforesaid grounds. In the circumstance, by recalling DW1 if one more opportunity is accorded to the plaintiff for further cross-examination, no injustice would be caused to the defendants. However, by recalling the DW1 for further cross-examination certain delay would be caused for disposal of the suit and same can be compensated by awarding reasonable cost infavour of defendants. Otherwise, injustice would be caused to the plaintiff. Therefore, this court of the view that the plaintiff has made out valid grounds to allow the present applications. In the result, point No.1 answered in the Affirmative.

**7. Point No.2:** For the reasons assigned in point No.1, this court proceeds to pass the following :-

**ORDER**

IA No-V & VI filed by the plaintiff under Order XVIII Rule 17 of CPC & U/Sec.151 of CPC are hereby allowed subject to cost of Rs.1,000/- and same shall be payable by the plaintiff to the defendants.

Accordingly, case is reopened and DW1 recalled for further cross-examination on behalf of plaintiff.

*(Directly dictated to steno, corrected, signed and pronounced by me in Open Court on this the 04<sup>th</sup> day of February 2025.)*

**(Sri. Shankarreddy D.V)**  
**Prl. Civil Judge & JMFC., Anekal.**