

**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC AT
HIRIYUR**

Dated on this 13th day of February 2025

Present: SMT. SUJATHA SUVARNA B.,
B.Com., LL.B.,

Senior Civil Judge & JMFC,
Hiriyur

OS No.96/2014

Plaintiffs

:

1. P. Sharadamma
W/o. Late. Pallakappa,
Aged about 58 years,

2. Shashidhara Y.P.
S/o. Late. Pallakappa,
Aged about 35 years,

3. Gunadhar Y.P.
S/o. Late. Pallakappa,
Aged about 33 years,

4. Y.P Sridhar,
S/o. Late. Pallakappa,
Aged about 30 years,

All are R/o. Manjunatha Krupa
CM layout, Hiriyur town.

[Rep. By Smt. MM, Advocate]

Vs

Defendants

:

1. K. Veerappa,
S/o. Kadurappa,
Aged about 85 years,
Agriculturist,

2. Honnappa,
S/o. Late. Kariyappa,
Aged about 50 years,

3. Bharathi,
W/o. Honnappa,

Aged about 42 years,

4. Kumaraswamy,
S/o. Late. Kariyappa,
Aged about 45 years,

5. Vijayamma,
W/o. Kumaraswamy,
Aged about 40 years,

6. Vidhyashree,
D/o. Kumaraswamy,
Aged about 18 years,

7. Bhavya,
D/o. Kumaraswamy,
Aged about 16 years,

8. Dharshan,
S/o. Kumaraswamy,
Aged about 14 years,

9. Chandrakala,
D/o. Kumaraswamy,
Aged about 12 years,

Def. No.7 to 9 are minors,
Represented by their natural
Guardian mother def. No.5
Vijayamma.

10. Rangaswamy,
S/o. Late. Kadurappa,
Aged about 75 years,

11. K. Sathyappa,
S/o. Late. Kadurappa,
Aged about 68 years,

12. Y.K Chandrappa,
S/o. Late. Kadurappa,
Dead by LR's

12(a) Lakshmid devi,
W/o. Chandrappa,

Aged about 58 years,

13. Thippeeramma,
D/o. Late. Kadurappa,
Aged about 58 years,

All are R/o. Yaradakatte village,
Metikurke post, Hiriyur taluk,
Chitradurga district.

14. Ramachandrappa,
S/o. Dodda Thimmappa,
Aged about 56 years,
R/o. Palavvanahalli,
Imangala hobli,
Hiriyur taluk.

15. R. Shivakumar,
S/o. Ramachandrappa,
Aged about 32 years,
R/o. Devaraja road,
Karuvinakatte, circle,
House No.289,
Chitradurga Town.

[Def. No.1, 4 & 5 Rep. By Sri.BNT Advocate)
[Def. No.11,12(a) Rep. By Sri.SJ Advocate)
[Def. No.2, 3, 6 to 10, 13 to 15 placed exparte)

RANK OF THE PARTIES ON I.A.NO.20 & 21

Applicant / defendant No.11: K. Sathyappa,

Vs.

Opponents/ Plaintiffs : Smt. Sharadamma & others

COMMON ORDERS ON I.A.NO.20 & 21

The defendant No.11 has filed IA.No.20 U.Sec.151 of CPC
and IA No.21 U/o 18 Rule 17 CPC and prays to reopen and

recall the DW.1 for the purpose of cross examination as prayed in the application.

2. Per contra the defendant No.4 filed objections and prayed to reject the application as reasons mentioned in the objection.

3. Heard the arguments from both side and perused the records.

4. The points that arise for my consideration is as follow:

1. Whether the defendant No.11 has made out sufficient grounds to reopen the case for the purpose of cross examination of DW.1?

2. What order ?

5. My answer to the above points are as follows :

Point No.1 - In the affirmative

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

REASONS

6. Point No.1: In support of the application 11th defendant filed affidavit and stated that, the case was posted for argument and due to ill health he was unable to contact his advocate to give instruction hence, prayed to recall the DW.1 for the purpose of cross examination. As per the contention of the defendant

No.4 it is not necessary to recall the DW.1 for cross examination by the defendant No.11.

7. Admittedly, it is trial Court. Being a trial court it is just a necessary to give sufficient opportunity to the defendant No.11 to cross examine the DW.1. If these applications are not allowed, it may cause hardship to the defendant No.11. However, matter is from the year of 2014. Hence it is fit case to allow the applications with cost. Accordingly this court is answers point No.1 in the Affirmative.

8. Point No.2 :- In view of the findings on the above point, I proceed to pass the following:

ORDER

IA No.20 & 21 filed by the defendant No.11

U.Sec.151 of CPC and U/o. 18 Rule 17 of CPC are

hereby allowed on a cost of Rs.500/-.

(Dictated to the Stenographer directly on the computer, corrected, initialed and then pronounced by me in open court on this 13th day of February 2025)

(SUJATHA SUVARNA B.),
Senior Civil Judge & JMFC.,
Hiriyur.