

KACM200002822021



IN THE COURT OF SENIOR CIVIL JUDGE,
AT: KADUR

Present:- Sri. IRFAN.
B.A., LL.B.,
Senior Civil Judge & JMFC,
Kadur, Chikkamagaluru District.

Dated: this the 28th day of October – 2025

O.S.No.94/2021

Plaintiff: : Sri. K. Prakash.
[By: Sri. S.N.G., Advocate]

V/s

Defendants: : Sri. K. Chandrashekarappa
& another.

[Defendant No.1 by: Smt. B.R.R., Advocate]

[Defendant No.2 by Assistant Government Pleader]



RANK OF THE PARTIES ON I.A.NO.11 to 14.

Applicant/
Plaintiff

: Sri. K. Prakash.

V/s

Opponent/
Defendant

: Sri. K. Chandrashekarappa.

i	<i>Provision under which the application is filed</i>	<p><i>IA No.11 -U/O 18 Rule 17 R/w Sec.151 of CPC.</i></p> <p><i>IA No.12 - U/S 151 of CPC,</i></p> <p><i>IA No.13 - U/O 7 Rule 14(3) R/w Sec.151 of CPC.</i></p> <p><i>IA No.14 – U/S 33 of Karnataka Stamp Act R/w Sec.151 of CP</i></p>
ii	<i>Relief sought for</i>	<p><i>Reopen the stage by recalling PW-1 and permit the plaintiff to file enlisted document by condoning the delay.</i></p> <p><i>Under IA No.14 sought to impound the unregistered Palupatti,.</i></p>
iii	<i>The date on which the application is filed</i>	<p><i>IA No.11 to 13 on 29.02.2024.</i></p> <p><i>IA No.14 on 05.11.2024.</i></p>
iv	<i>Number of the applications</i>	<i>11 to 14.</i>



v	<i>The date on which the objections are filed by different opponent</i>	<i>Not filed any objection to IA No.11 to 13 . Objection to IA No.14 filed by the 1st defendant on 05.11.2024.</i>
vi	<i>The date on which the orders were passed on the said application</i>	<i>28.10.2025.</i>

When the case is posted for arguments, the plaintiff has filed IA No.11 to 13.

ORDERS ON I.A.11 to 14

IA No.11 to 13 are filed by the plaintiff, U/O 18 Rule 17 R/w Sec.151 of CPC, U/S 151 of CPC and U/O 7 Rule 14(3) R/w Sec.151 of CPC seeking to recall PW-1 to adduce evidence in order to produce enlisted document, which is stated to be unregistered Palupatti.

IA No.14 is filed by the plaintiff, U/S 33 of Karnataka Stamp Act R/w Sec.151 of CPC seeking to impound the same for collection of deficit stamp duty and penalty.

2. The 1st defendant has filed detailed objections to IA No.14 only and sought to dismiss the same.



3. Heard learned counsel for plaintiff and defendant No.1. Perused the case records.

4. The following points that arise for consideration are;

1. Whether the plaintiff has made out grounds to reopen the case to recall PW-1 and also to permit him to produced enlisted document? ?

2. Whether the incomplete Palupatti produced by the plaintiff is liable to be impounded?

3. What order?

5. Answers to the above points are as under;

Point No.1 : In the Negative;

Point No.2 : In the Negative;

Point No.3 : As per final order
for the following;



REASONS

6. **Points No.1 and 2 :-** These points are taken together for common discussion to avoid repetition of facts.

The present suit is filed for the relief of declaration and perpetual injunction. The sum and substance of the application averments is that the plaintiff under para No.3 has specifically pleaded that Kalleshappa and his sons have got divided their joint family properties in the presence of Panchayathdars in the month of January-1991 as oral partition and after a few months the said oral partition has been reduced into writing for memory. In order to substantiate the said specific contention, the plaintiff intends to produce the aforesaid Palupatti dated 15.06.1991. It is also sought to impound the same for collection of stamp duty and penalty. IA No.14 has been opposed by the 1st defendant on the grounds that these applications at this stage are not maintainable.

7. On reference to the document intended to be present, it is notice that it is an incomplete document,



which does not furnish complete information regarding other share holders apart from the share of plaintiff herein. When the said document itself is incomplete, it would be improper to permit the plaintiff to produce the same in evidence in order to avoid complication. Even though this court after noticing the said aspect had directed the plaintiff to produce complete document, but in-spite of directions, the plaintiff has not taken any steps in that regard. Moreso, the application filed U/O 7 Rule 14(3) R/w Sec.151 of CPC is also not supported by a verifying affidavit and the plaintiff must state upon oath what prevented him to produce the desired document at the belated stage. Even though the said aspect has been brought to the notice of plaintiff, but he has not opted to file any supporting affidavit to that effect. Thus, in the absence of any specific reasons for belated production of desired document as well as in complete document being produced, these applications seeking for recalling of PW-1 to produce the aforesaid incomplete document by re-opening the stage does not arise and therefore, the IA's are liable to



be dismissed. Accordingly, **the points No.1 and 2 under consideration are answered in the Negative.**

8. **Point No.2** :- In view of the discussion in the foregoing point, the following;

ORDER

I.A.No.11 to 14 filed by the plaintiff, U/O 18 Rule 17 R/w Sec.151 of CPC, U/S 151 of CPC, U/O 7 Rule 14(3) R/w Sec.151 of CPC and U/S 33 of Karnataka Stamp Act R/w Sec.151 of CPC are dismissed.

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by me in open Court on this the 28th day of October , 2025)

Sd/-
(IRFAN)
Senior Civil Judge,
Kadur.