



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND J.M.F.C
N.R.PURA, ITINERATE AT KOPPA**

Present: **Sri.Raghunatha Gowda.K.T.**, B.Com., L.L.B,
Senior Civil Judge & J.M.F.C.,
N.R.Pura, Itinerate at Koppa.

Dated this the 30th day of August 2025

O.S.No.08/2019

Plaintiff : Sowmya.H.S.,
D/o. H.P.Shankarappa,
Aged about 32 years,
R/at Sharada Nagara,
Sringeri post and taluk.

(Rep by Sri.V.R.N.,Advocate)

V/s.

Defendants :1. Sahana.H.S.
D/o. H.P.Shankarappa,
Aged about 36 years,
R/at Hariharapura post,
Koppa Taluk.

2. Sowdhamini.H.S.
D/o. H.P.Shankarappa,
Aged about 34 years,
R/at Hariharapura post,
Koppa Taluk.



3. H.P.Shankarappa,
S/o. Late. Puttegowda,
Aged about 65 years,
R/at Hariharapura post,
Koppa Taluk. Since he was
died living behind

3(a). Smt.Savithramma,
W/o.Late.H.P.Shankarappa,
Aged about 65 years,
R/at Hariharapura post,
Koppa Taluk.

4. Vasudeva.H.P.
S/o. Late. Puttegowda,
Aged about 63 years,
R/at Hariharapura post,
Koppa Taluk. Since he was
died living behind

4(a). Smt.B.T.Nagarathna,
W/o.Late.H.P.Vasudeva,
Aged about 70 years,

4(b). Vinay,
S/o Late. H.P.Vasudeva,
aged about 45 years,

4(c). Vinanthi,
D/o Late.H.P.Vasudeva,
aged about 43 years,

All are resident of 1st cross,
Ambedkar road, Melinapete,
Koppa.



5. Ramanna,
S/o. Late. Puttegowda,
Aged about 65 years,
R/at Hariharapura post,
Koppa Taluk. Since he was
died living behind

5(a). Smt.Chaya,
W/o. Late.Ramanna,
aged about 61 years,

5(b). Smt.Ashwini,
D/o Late Ramanna,
aged about 26 years,

5(c). Smt.Amulya,
D/o Late Ramanna,
aged about 24 years,

5(d). Sri.Adithya,
S/o Ramanna,
aged about 22 years,

Both are residing at Hulumakki
village, Koppa post, Koppa taluk.

6. Smt.Jayalakshmi
W/o. Srinivasagowda,
Aged about 59 years,
R/at Megalamane,
Belagola, Narve post,
Koppa taluk.

7. H.P. Chandrashekar,
S/o. Late. Puttegowda,
Aged about 56 years,
Attender, Room No.152,



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2nd Floor, Vidhana Soudha,
Bengaluru-1. Since he was
died living behind

7(a). Smt. Shobha,
W/o Late Chandrashekar.H.P.
aged about 58 years,

7(b). Sri.Akash,
S/o Late Chandrashekar.H.P.
aged about 24 years,

Both are resident of No.143, 3rd
'A' cross, Ammaavooru extension,
Near Soundarya School, Bengaluru.

8. Smt.Vanajakshi,
W/o. Shantharaj,
Aged about 54 years,
R/at Kademane,
Suttha post, Gubbiga
village, N.R.Pura taluk.

9. H.P.Manjunatha,
S/o. Puttegowda,
Aged about 52 years,
R/at Sringeri Road,
Hariharapura post,
Koppa taluk,

10. N.K.Sathish,
S/o. Kalasappa Naik,
Aged about 57 year,
R/at Dodda Thota,
Niluvagilu village,
Koppa taluk.

**(Rep by Sri.K.R.S.,Advocate for D1,D2 to D4, Sri P.T.D.,
Advocate for D3, Sri.B.K.V.,advocate for D3(a),D4(a to c), 5(a
to d), 7(a,b) and Sri.M.H.S.K., Advocate for D6 to D10).**

**ORDERS ON IA NO.XXXVIII**

When the matter posted for defendant evidence at this stage, plaintiff counsel filed this application U/o XVI Rule 1 R/w Section 151 of C.P.C to seeking permission to file witness list as stated in the application.

2. In support of this application, plaintiff filed his affidavit, he contended that as per Ex.P7 will dated 14.06.1986 and as per Ex.P11 sale deed dated 07.11.2019 the examination of witness and scribe of above said documents are very much necessary and if the application is allowed no loss of hardship caused to the other side. Hence, she prays to allow this application.

3. per contra defendant No.1,2 and 4 counsel filed objection to the said objection contended that already the plaintiff side evidence is closed. Now the matter posted for defendant evidence at this stage the present application is filed is not maintainable. Further he contended that plaintiff is



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intended to examine the scribe and one of the witness to Exp11 and the examination of scribe of the sale deed is wholly unnecessary and no purpose will be served. Hence, he prays to reject the said application.

4. Defendant No.6 to 10 counsel filed objection to said application contended that the application filed by the plaintiff is not maintainable either in law or facts. Further plaintiff filed this application with an intention to prolong the matter. Further he contended that plaintiff and remaining defendants are knows that in O.S.No.66/2007 and R.A.No.106/2013 the courts are held with regard to Item No.1 to 4, suit properties and already the witness were examined with regard to will in the said suit but plaintiff filed this application with an intention to drag on the proceedings. Hence, they prays to reject the said application.

5. Heard the argument on both sides and on perusal of materials placed on record.



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6. The following points that would arise for my consideration.

POINTS

1. Whether the applicant/plaintiff has made out sufficient grounds to allow the application?

2. What order ?

7. My findings to the above points are as under.

Point No.1: **In the Negative.**

Point No.2: As per order
for the following.

REASONS

8. **POINT No-1;** Plaintiff filed the against defendants for relief of partition and separate possession. Now the matter posted for defendant evidence at this stage the present application is filed to seeking permission to file witness list. On careful perusal of the entire records, this court framed the issues on 17.10.2020. Thereafter the plaintiff has not filed the witness list within 15 days from settlement of issues. Further as per order 16 Rule 1 of C.P.C states as under:



Order 16 Rule 1 of C.P.C : List of witnesses and summons witnesses:-

1. On or before such date as the court may appoint, and not later than fifteen days after the date on which the issues are settled, the parties shall present in Court a list of witnesses whom they propose to call either to give evidence to produce the documents and obtain the summonses to such persons for their attendant in Court.

As per above said rule the word used '**shall**' that within fifteen days from date on which the issues are settled to file the witness list. In the present suit after framing the issues, the plaintiff has not filed the witness list as contemplated under order 16 Rule 1 of C.P.C.

9. Further, on perusal of the record, it discloses that on 25.10.2024 the plaintiff filed similar application to file the witness list same was allowed. Further on 13.12.2024 the plaintiff filed the similar application to file the witness list same was allowed and one of the witness examined as PW-2. Further



on 24.01.2025 plaintiff counsel submit that no further evidence. Thereafter the matter posted for defendant evidence at this stage the present application is filed.

10. Further the plaintiff file the witness list stating that he intended to examine the scribe of Ex.P11 i.e., sale deed, as per sec-67 of Indian Evidence Act except the will no other attesting witnesses or scribe of the document is not requires for examination to prove the registered document. Further the documents produced by the defendant No.6 to 10 discloses that the one of the attesting witness to Ex.P7 examined in O.S.No.66/2007. Further in said suit the father of the plaintiff is one of the defendant. The said fact is known to the plaintiff. Further, there is no bonafied reason to condone the delay to allow this application and the reasons stated in the affidavit of plaintiff is not satisfied and there is no merit in the said application. Hence, for the above said reasons my answer to **Point No.1 in the Negative.**



11. **Point No.2:** In view of the discussions made above this court proceeds to pass the following:

ORDER

I.A.No.XXXVIII filed by the applicant/
plaintiff under Order XVI Rule 1 R/w
Section 151 of C.P.C is hereby rejected.

No order for costs.

(Dictated to the Stenographer directly on the computer, then
corrected and pronounced by me in the open court on this date the 30th
day of August, 2025)

Sd/-xxx

(Raghunatha Gowda.K.T)

Senior Civil Judge and J.M.F.C.,
N.R.Pura. Itinerate at Koppa.