

**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC,  
KOLLEGALA.**

**Dated 01<sup>st</sup> day of June, 2026**

**O.S. No. 04/2020**

**Plaintiffs** : Smt. Rathnamma & others

**Vs.**

**Defendants** : Smt. Anuradhamma & others

**I.A. No. V & VI**

**Applicant** : Lokesh - Plaintiff No. 3

**Vs.**

**Opponents** : Smt. Anuradhamma & others - Defendants

**ORDERS ON I.A. No. V & VI**

The IA V filed by the applicant/plaintiff No. 3 on 17.09.2025 under Order 7 Rule 14(A) R/w Section 151 of CPC for seeking permission to produce documents after condoning delay if any and IA VI filed under Section 151 of CPC for seeking reopen of the same to lead further chief examination.

2. In the accompanying affidavit it is stated that he has filed the present suit, where the case is posted for cross examination of PW1 and at this juncture he is producing original partition deed, RTC, photos. These documents are very much necessary to prove his case, as such seeks to condonation of delay in filing the application. Accordingly prayed for allow the application.

3. This application is opposed by opponent/defendants by filing detailed objection on 13.10.2025 contending that the PW1 was already cross examined partly and to fill up the lacuna, chosen to produce these documents at this stage. It is stated the affidavit is silent regarding which point needs to further examine. It is stated the 3<sup>rd</sup> plaintiff/PW1 has already admitted there is no connection to the family of themselves and husband of 1<sup>st</sup> defendant(father of PW1). It is stated to fill up the lacuna being chosen to produce created documents. And that the affidavit is silent why those documents could not be produced earlier and how it came to their custody. It is further stated that case is of the year 2020 and from 5 years not co-operating for disposal instead coming with one or the other application. It is stated in 5 years stage is not moving from cross examination of PW1.

Therefore on all these grounds prays for dismissal of the application.

4. Heard both sides. Perused the materials available on record.

5. The following point arise for my consideration:

1) *Whether the applicant/plaintiff No. 3 has made out sufficient grounds to allow the application?*

2) *What order?*

6. My findings to the above points are:

*Point No.1: In the affirmative*

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

**REASONS:**

**7. Point No.1:** It is seen from the order sheet that case is posted for further cross examination PW1, at this juncture the 3<sup>rd</sup> plaintiff has come up with present application seeking to reopen the case from the stage of cross examination, to lead further chief examination for production of certain documents which he could not place on the earlier occasions or not necessitated to produce at the previous stage. The opponent seriously opposed this application contending the proposed documents being produced only after the cross

examination which cannot be permitted to fill up the lacuna.

8. In the light of rival contentions I have gone through the deposition and the proposed documents produced. Here in a case the plaintiff counsel demonstrated that the documents are vital for proving core claims, not merely afterthought. Further he has produced the original and recent documents. Moreover the cross examination of Pw1 yet to be completed. There is a valid, unavoidable reason explaining why these documents were not produced during the initial evidence phase. As such re-opening will not prejudice the defendant, as the defendant will be given an adequate opportunity to cross examine the plaintiff regarding the newly introduced documents. However, it is forthcoming from the record that matter is pending since 2020 and hence the application is deserves to be allowed with cost. Therefore, **I answer point No. 1 is in the affirmative.**

**9. Point No. 2:** For the aforesaid reasons, I proceed to pass the following:

### **ORDER**

The IA V filed by the applicant/plaintiff  
No. 3 under Order 7 Rule 14(A) R/w

Section 151 of CPC and IA VI filed under Section 151 is hereby allowed, subject to payment of costs of ₹. 500/-.

*(Dictated to the stenographer directly on the system, transcribed by her, corrected and then pronounced by me in the open Court on 01<sup>st</sup> day of June, 2026).*

**(SUNITHA)**  
Senior Civil Judge and JMFC,  
Kollegala.