

KADG310007132021



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC,
HARIHAR**

PRESENT: Smt. Padmashri A. Munnoli,
B.A.L, LL.B.
SENIOR CIVIL JUDGE AND JMFC,
HARIHAR

Dated this the 6th day of April, 2026

R.A. No. 66/2021

- Appellant/s : 1. Channappa S/o Late Baasppa,
Aged about 67 Years, Agriculturist,
R/o Kondajji Village, Harihar taluk,
Davangre District.
2. Naradamuni S/o Channappa, Aged
about 34 year, Agriculturist, R/o
Kondajji village, Harihar taluk,
Davangere District.

(By Sri. B. Halappa, Advocate.)

:: VERSUS ::

- Respondent / s : 1. Smt. Manjula, W/o Annappa
Hosallera, D/o Late Basappa, Aged
about 41 years, R/o Madike
Nichapura village, Uchangidurga
Post, Harapanahalli Taluk,
Vijayanagara District.
2. Smt. Prameelamma, W/o
Maheshwarappa, D/o Late
Basappa, Aged about 71 years, R/o
Kondajji village, Harihar taluk,
Davangere District.

3. Smt. Rudramma, W/o Ramachandrappa, Aged about 61 Years, Occ: Housewife, R/o Shamanur village, Davangere Taluk, Davangere District.
4. Smt. Manjamma, W/o Parasappa, D/o Halappa, Aged about 41 years, Agriculturist, R/o Halekundawada Village, Post, Davangere Taluk and District.

(R.1 and 2 By Sri. Sridhar Matanavar, Adv.)
(R.3 and 4 Ex-parte)

Parties in IA No. V

Applicants/Respondent
No.1 and 2 : Smt. Manjula and Prameelamma

Vs.

Respondent /opponent: Channappa and another s

**ORDER ON I.A. NO. V FILED BY RESPONDENTS NO.1 AND 2
UNDER SECTION 151 OF CPC**

The present application is filed by the respondent No.1 and 2 / plaintiff No.1 and 2 seeking permission to file objections to IA No. II and III filed by the appellants / defendants U/O 41 Rule 27 of CPC.

2. In the affidavit sworn to in support of this application, respondent No.1 states that IA No. II and III are filed by the appellants seeking permission to produce additional evidence. That the objections to said IA No. II and III could not be filed earlier. That the previous counsel did not file any objections to the said IA No. II and III and after remand of the matter by the Hon'ble High court, now it is noticed that no objections are filed to IA No. II and III. That the counsel who was representing them earlier is dead. Therefore, now the present counsel noticed about non filing of objections to IA No. II and III and hence, it is prayed that the application may be allowed and the objections may be taken on record.

3. The appellants have filed their statement of objections to IA No.V. It is contended that deliberately no objections were filed to IA No. II and III previously. That IA No. II was filed with the appeal memo on 07.12.2021. The respondent No.1 and 2 had engaged a counsel in this appeal on 10.06.2022. That the matter was posted for filing of objections to IA No. II from 05.07.2022 upto 29.10.2022. That on 29.11.2022 the appellants again filed IA No. III with additional documents and till 21.01.2023 the matter was posted for objections but, no objections were filed to IA No. II and III. That the counsel representing respondent No.1 and 2 had conducted the suit before the trial court. Therefore he is aware of the proceedings. There is a delay in filing the objections to IA NO.

II and III for more than 3 years and hence, it is prayed that the application be dismissed.

4. Heard, perused the material on record

5. The points that arise for consideration of this court are as follows:

1. Whether IA No. V filed U/Sec. 151 of CPC seeking permission to file objections to IA No.II and III reserves to be allowed?
2. To what order?

6. The findings of this court on the above points are as follows:

Point No.1. In the Negative;

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

: R E A S O N S :

7. **Point No.1**:- Learned counsel for the respondent No.1 and 2 would argue that it is necessary to file objections to IA No.II and III which are filed U/O 41 Rule 27 of CPC and hence, it was prayed that IA NO. V be allowed and the statement of objections be taken on record.

8. Learned counsel for the appellants would argue that sufficient opportunity was given to these respondents to file

objections to IA No.II and III. That the statement of objections are not filed within time. Hence, it was prayed that the application be dismissed.

9. Heard, perused the material on record. The material on record discloses that the present regular appeal is preferred by defendant No.1 and 2 against the plaintiffs being aggrieved by the judgment and decree passed by the trial court, under which suit of the plaintiffs for the relief of partition and separate possession came to be decreed in part. The present regular appeal was disposed off by a judgment and decree dated: 06.02.2024, under which the appeal was dismissed. RSA No. 590/2024 was preferred before the Hon'ble High Court. The Hon'ble High Court by its judgment dated: 21.11.2025 has remanded the regular appeal for fresh consideration, after considering the applications filed by the appellants U/O 41 Rule 27 of CPC.

10. The appellants with the appeal itself had filed IA No. II U/O 41 Rule 27 of CPC and later filed IA No. III on 29.11.2022. No objections were filed by the present respondent No.1 and 2 prior to the remand. IA No.III shows that the copy of the application is served on the other side. Therefore, the respondent No.1 and 2 inspite of sufficient opportunity, did not file objections to IA No. II and III. Whether IA No. II and III deserve to be allowed has to be considered later, while deciding the regular appeal on merits. The respondent No.1 and 2 even after remand, though appeared

through a counsel on 19.12.2025, did not attempt to file any objections to IA No. II and III. Therefore, at this belated stage, in my opinion the objections to IA No. II and III does not deserve to be taken on record. Accordingly, for these reasons I answer **point No.1 in the Negative.**

11. Point No.2:-For the reasons stated above, I proceed to pass the following.....

:ORDER:

I.A. No. V filed by the respondent No.1 and 2
Under Section 151 of CPC is hereby dismissed.

(Dictated to the Stenographer, transcribed and typed by him on computer, corrected by me and then pronounced in the open court on this the 6th day of April, 2026)

(Smt. Padmashri A. Munnoli)
Senior Civil Judge & JMFC,
Harihar