

KAHS310010172022



IN THE COURT OF II ADDL CIVIL JUDGE & JMFC,
ARAKALAGUD.

Present: Smt. Deepika.N, B.Sc,L.LB.

O.S.No.153/2022

Dated this the 7th day of July, 2026.

PLAINTIFFs:

1. Smt. Suvarna
W/o. Late. K.Basavashetty
@ Bashetty
Aged about 80 years,
2. Sri.Suresha
S/o. Late. K.Basavashetty
@ Bashetty,
Aged about 58 years,
Both are R/at.
Kotavalu Village,
Ramanathapura HObli,
Arakalagudu Taluk,
Hassan District.
3. Smt. Kusuma
W/o. Shivalingaswamy,
Aged about 62 years,
No.74 8E Cross,
Attiguppe Bengaluru.

4. Smt. Sukanya
W/o. Loksha
Aged about 56 years,
R/at. Sri. Siddeshwara Store,
Mysuru Road,
K.R. Nagara Town,
K.R.Nagara ,Mysuru District.

5. Smt.Manjula
W/o. Sathish Kumar,
Aged about 52 years,
Hosapete road,
Tipturu Town, Tipturu.
Tumkuru District.

6.Smt. Shanthala
W/o. Siddesha
Aged about 45 years,
R/at.Govindanahally
Kikkeri Hobli,
K.R.Pete Taluk.

(By Advocate Sri. HPS.,)

V/s.

DEFENDANTS: 1. Sri. Paramesha
S/o. Late.Nanjappashetty,
Aged about 62 years,
Kotavalu Village,
Ramanathapura Hobli,
Arakalagudu Taluk,
Hassan District.

2. Chief Secretary,
Representatives of the
Government of Karnataka
Vidhanasoudha, Bengaluru.
3. Chief Executive Officer,
Zilla Panchayath,
Hassan District.
Hassan.
4. Executive Engineer,
Taluk Panchayathi
Arakalagudu Taluk,
Hassan District.
5. Panchayath Development officer,
Grama Panchayath Office,
Ramanathapura Hobli,
Arakalagudu Taluk,
Hassan District.

(By Advocates Sri. KDP., & AGP.,)

INTERIM APPLICATION No:VIII to X

Applicant/Plaintiff No.2 :- Sri. Suresha

...Plaintiff No.2

-V/s-

Opponent/Defendants :- Sri.Paramesha & others

....Defendants

i.	Provision under which the application is filed	Order 18 Rule 17, 151 of CPC
ii.	Relief sought for	To Reopen the above Case
iii.	The date on which the application is filed	22.04.2026
iv.	Number of the applications	I.A.No. VIII to X
v.	The date on which the objections are filed by different opponents	01.07.2026
vi.	The date on which the orders were passed on the said application	07.07.2026

ORDER ON I.A.No.VIII to X

This I.A.No.VIII to X filed by the applicant/ Plaintiff No.2 under Order 151 of CPC seeking to reopen the case from cross of PW-1 and I.A.X U/o 18 Rule 17 of C.P.C., prayed the court to permit him for further chief -examination of PW.1.

2. In these I.A's , it is stated for the reasons mentioned in the accompanying affidavit that, The plaintiffs have filed this suit against the defendants seeking the relief of declaration and permanent injunction with respect to the suit schedule properties. In the present suit, an affidavit

of evidence-in-chief had previously been filed on behalf of the plaintiff, however, the suit was subsequently amended, and the matters pertaining to said amendment had not been stated in his chief affidavit. Therefore, it is essential to incorporate the amended facts in to suit of the plaintiff'. Further states that, If the permission is not granted as prayed in I.A.No.VIII to X, great hardship will be caused to them. Accordingly, he prayed to allow the I.A.No.VIII to X. If application is allowed, no prejudice would be caused to the other side. On the contrary, Plaintiff will be put to hardship. Hence, it is prayed to allow the application.

3. On the other hand, the defendant/respondent has filed the common objections to the above applications and contended that applications are not maintainable. They are not sustainable, Further the plaintiff has filed the present applications in order to delay the proceedings. There are no justifiable grounds to reopen the case. Hence, applications are liable to be dismissed.

4. Heard the counsel for both parties and perused the materials on record.

5. Points for consideration:

1. Whether applications deserve to be allowed?

2. What order?

6. Answer to the above points are as follows;

Point No.1 : In the Affirmative

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

REASONS

7. **Point No.1**: I have already narrated the facts stated in the affidavit annexed to the applications and also objections filed by the defendant.

8. In this case, I have completely gone through the entire documents on record. This is the suit filed by the plaintiff for the relief of Declaration and permanent Injunction. In this case, already the evidence of the plaintiff's side closed and posted for cross of PW.1. After that, plaintiff had amended the plaint in respect of that, plaintiff have to depose evidence. Hence, When the case is posted for cross of PW.1 now the applicant/plaintiff has come up with these I.A.No. VIII to X with a prayer to re-open and re-call the case for the purpose of further chief of plaintiff.

9. After careful perusal of the entire case file and also after hearing the both sides on these I.As., I have also perused the specific provision of Rule 17 of Order XVIII of C.P.C. which states that, "***the Court may at any stage of the suit recall any witness who has been examined***". As per the above provision, the Court may permit the party to recall his witness for further examination at any stage of the suit that includes even at the stage of argument. However, it is the discretionary power of the Court. The plaintiff intends to lead his side evidence by his further chief examination. Therefore, I am of the opinion that, the burden is on the plaintiff to prove this case as this is the suit filed by the plaintiff for the relief of Declaration and Permanent Injunction. Hence, the sufficient opportunities are to be given to the plaintiff to prove the case. Thus, in the ends of justice and equity and also for the proper adjudication of the case and also in order to avoid the multiplicity of proceedings, if these I.As. are allowed, no hardship will be caused to the opponent/defendants. In the meantime it is also necessary to impose the heavy cost in the interest of justice and avoid the dragging proceedings. Hence, point No.1 is answered in the affirmative.

Point No.2: For the forgoing reasons, Court proceeds to pass the following;

:: O R D E R ::

The I.A.No.VIII to X filed by the applicant/plaintiff under Order 18 Rule 17 R/w Section 151 of C.P.C, respectively are hereby allowed on cost of Rs.200/- each.

The case is re-opened.

The applicants/plaintiff is hereby permitted to further chief examination of plaintiff in I.A.No.VIII to X as prayed.

For further chief examination of plaintiff and payment of cost.

For compliance of cost and further chief examination of plaintiff without seeking any adjournment.

Call on 29.08.2026.

(Smt.DEEPIKA,N.)
II Addl Civil Judge & Jmfc.,
Arakalagudu.

(Vide separate order pronounced in
Open Court)

ORDER

The I.A.No.VIII to X filed by the applicant/plaintiff under Order 18 Rule 17 R/w Section 151 of C.P.C, respectively are hereby allowed on cost of Rs.200/- each.

The case is re-opened.

The applicants/plaintiff is hereby permitted to further chief examination of plaintiff in I.A.No.VIII to X as prayed.

For further chief examination of plaintiff and payment of cost.

For compliance of cost and further chief examination of plaintiff without seeking any adjournment.

Call on 29.08.2026.

2nd Addl. Civil Judge & JMFC.,
Arakalagodu