

**IN THE COURT OF THE SENIOR CIVIL JUDGE &
JMFC, ARSIKERE**

DATED THIS THE 14th DAY OF JANUARY 2026

Present: Sri.Kirankumar D.Wadigeri, B.A.L., L.L.B.,
Senior Civil Judge & JMFC.,
Arsikere.

O.S. No.09/2020

Plaintiff : Smt.A.G.Anusuyamma
W/o T.R.Shashidharmurthy,
Aged about 70 years,
R/o Shivananda Colony,
Arsikere Taluk.

(By Sri K.A.R, Advocate)

-V/s-

Defendant : Smt.A.D.Savita W/o Raveesh
Aged about 35 years,
R/o Nayanagri Krupa, 4th cross,
Opposite Yathrinivasa,
Basaveshwara Badavane,
Kyathasandra, Tumkur.

(by Sri V.B, Advocate)

Parties to I.A.No.8 to 10

Applicant/
Defendant : Smt.A.D.Savita

-V/s-

Opponent/ Plaintiff : Smt.A.G.Anusuyamma

ORDERS ON I.A.No.8 to 10

The defendant has filed I.A.No.8 under Section 151 of CPC to re-open the case of the defendant, I.A.No.9 under Order 18 Rule 17 of CPC to recall the DW-1 for further examination-in-chief and I.A.No.10 under Order 8 Rule 1(a) of CPC to permit the defendant to produce documents by condoning the delay.

2. The Advocate for defendant in his memorandum of facts has stated that the plaintiff has filed the suit for recovery of money against the defendant and both parties have led their evidence and case was posted for arguments. It is the contention of the defendant that there was no transaction between herself and plaintiff and the plaintiff was doing chit business and her mother was one of the subscribers for one of the chit and at that time, the plaintiff has taken the alleged documents belonging to her from her mother towards security purpose. Subsequently, chit was closed, but the plaintiff has misused the alleged cheque. In this regard, the mother of the defendant has filed private complaint and she intends to produce those documents in order to mark the same by leading further examination in chief. Therefore, it is necessary to reopen the case of the defendant and to recall the DW.1 for further examination in chief. Earlier, in the month of July, her mother has obtained the said document, but same was misplaced in her home, now it was traced out and hence, there is a delay in producing the document and same may be condoned.

3. The plaintiff in her objections to these applications has taken contention that already both parties have led their evidence and case was posted for arguments and at this stage, these applications are not maintainable and liable to be dismissed.

4. Heard both sides on I.A.No.8 to 10.

5. Then the following points arise for consideration of this Court are as under:

POINTS

1. Whether the defendant has made out grounds to allow I.A.No.8 to 10?

2. What order?

6. My findings in the above points as follows:

Point No.1 : In the Affirmative

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

REASONS

7. **Point No.1 :** The plaintiff has filed the suit for recovery of money against the defendant alleging that on 15.10.2017 the defendant has obtained the loan of Rs.6,00,000/- from her and agreed to repay the same along with 21% interest and executed On Demand Promote

and receipt and when the defendant has failed to repay the said amount and interest, she filed the suit. On the other hand, the defendant has taken contention that the plaintiff by misusing the blank Promissory note and consideration receipt which were given towards security purpose for chit business in which her mother was one of the subscribers and after closing of the said chit, the plaintiff by misusing those documents has filed this false suit.

8. In these applications, the defendant has taken contention that in that regard, her mother has filed a private complaint and those documents have been misplaced and now they have been traced out and producing the same in order to prove his contention. No doubt when the case was posted for arguments, the defendant has filed these applications. But the defendant has already taken said contention of chit business and handing over Promissory note and consideration receipt and in that regard, her mother has filed the private complaint. So, those proposed documents are in accordance with the defence taken by the defendant. At the same time, the plaintiff is also having opportunity to cross-examine the DW.1. So, by imposing suitable costs, the defendant may be permitted to lead her further evidence and to produce documents. Hence, **my findings to point No.1 is in the Affirmative.**

9. **Point No.2:** In view of the reasons and finding given to the above point, the following is made:

ORDER

I.A.No.8 filed under Section 151 of CPC, I.A.No.9 filed under Order 18 Rule 17 of CPC and I.A.No.10 filed under Order 8 Rule 1(a) of CPC by the defendant are hereby allowed with cost of Rs.100/- each.

Accordingly, DW.1 is recalled for further examination in chief.

(Dictated to the Stenographer, transcribed and computerized by her, corrected and then pronounced by me in the open Court on 14th day of January 2026)

(Kirankumar D.Wadigeri)
Senior Civil Judge & JMFC,
Arsikere.