

KAHS810024922024



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O.S. No.250/2024

IN THE COURT OF THE C/C I ADDL CIVIL JUDGE &

JMFC., SAKALESHPURA

-.PRESENT:-

Sri. Lakshmi Narasimha R.V. B.A.L., LL.B.,

C/c I Addl. Civil Judge & JMFC., Sakaleshpura

Dated this the 29th day of April, 2026

O.S. No.250/2024

PLAINTIFF

: Sri. Puttaraju

V/s.

DEFENDANTS

: Sri. Y.A. Chandregowda and others

I.A.

Plaintiff/Applicant

: Smt. C.S. Uma (D2)

V/s.

Defendants/Opponents

: Sri. Puttaraju



COMMON ORDERS ON APPLICATION FILED BY
DEFENDANT No.2 UNDER ORDER 18 RULE 17 OF CPC
AND SECTION 151 OF CPC.

These applications are filed when the matter is posted for Judgment. Defendant No.2 has filed these applications under Order 18 Rule 17 of CPC and Section 151 of CPC to reopen the stage and to recall Pw.1 and permit her to cross-examine.

2. In the affidavit, defendant No.2 has stated that the plaintiff has filed the present suit for the relief of Specific Performance of Contract. Due to her ill-health, she could not instruct the counsel and cross examine PW-1. Hence, cross examination of PW-1 is taken as nil and now the matter is posted for Judgment. Hence it is very much necessary to cross examine PW-1. If the application is not allowed the defendant No.2 would be put to irreparable loss and injury. Hence prayed to allow the applications.



3. The plaintiff has filed objections to the applications and contended that the defendants have appeared before the court. Whereas they have not filed any written statement. Thereafter after lapse of statutory period, they filed written statement, which was came to be rejected. Even when the matter is posted for cross examination, they have not cross examine PW-1. Now, she has filed these applications with intention to harass the plaintiff. Defendant No.2 has filed the present applications when the matter is posted for Judgment and without any reasons and with intention to fill up the lacuna. She has filed the present applications only with an intention to drag the proceedings. Hence, prayed to dismiss the application.

4. Heard arguments.

5. The following point that arise for the determination of this court.



1. Whether defendant No.2 has made out a ground to allow the applications?

2. What order?

6. My finding on above points are as follows:-

Point No.1 : In the *Negative*

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

::REASONS::

7. **Point No.1** : The plaintiff has filed the present suit for the relief of Specific Performance of Contract in respect of the suit schedule property. It appears from the records that on 13.02.2025, the defendants have appeared before the court. Thereafter they have not filed written statement. When matter is posted for Judgment, they recalled the stage for filing of written statement. The application was came to be dismissed. Further, it can be seen that this court has granted 3 adjournments for the purpose of cross



examination, whereas defendants have not come forward to cross examine PW-1. Hence, the cross examination of PW-1 was taken as nil and posted the matter for arguments. Now, when the matter is posted for Judgment, the present application have been filed. In the catena of decisions, the Hon'ble Apex Court has held that when the matter is posted for Judgment, no applications can be entertained. In the case on hand, defendant No.2 except stating that she was unwell, has not produced any documents to that effect. In spite of appearing in the case, she has kept quiet and now has filed the present applications. Hence this court is of the opinion that, there are no valid grounds to allow the applications. Hence this court is not inclined to allow the applications. Accordingly, Point No.1 is answered in the ***Negative.***

8. Point No.2:: For the above discussed reasons, this court proceeds to pass the following:

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::ORDER::

Applications filed by the defendant
No.2 under order 18 Rule 17 of C.P.C. and
section 151 of CPC are hereby dismissed.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 29th day of April, 2026]

[Lakshmi Narasimha R.V,]
C/c I Addl Civil Judge and JMFC,
Sakaleshpura.