



IN THE COURT OF THE CIVIL JUDGE AND
JMFC, AT: BYADGI

Present: **Sri. Suresh Wagganavar, MA. LL.B., (Spl)**

Civil Judge & JMFC, Byadgi

Dated this the 07th day of July-2025

Original Suit No.120/2021

1. Smt.Basavva W/o Bheemappa Talawar @
Naduvnamani, Age: 70 years, Occ: Household Work,
R/o: Arabagonda and others.

(By Sri. M.S.H, Advocate)

.....PLAINTIFFS:

V/S

1. Laxman S/o Guddappa Talawar
Age: 65 years, Occ: Agriculture,
R/o: Arabagonda and others.

(By Sri. S.S.H., Advocate for D-1 to 3)

(By Sri. I.S.N., Advocate for D-4 to 8)

.... DEFENDANTS:

PARTIES TO THE IA NO.V AND VI

1. Laxman S/o Guddappa Talawar



Age: 65 years, Occ: Agriculture,
R/o: Arabagonda and others.

.....APPLICANTS/DEFENDANT NO.1 to 3:

V/S

1. Smt.Basavva W/o Bheemappa Talawar @
Naduvanamani, Age: 70 years, Occ: Household Work,
R/o: Arabagonda and others.

....OPPONENTS/PLAINTIFFS:

ORDER ON I.A.No.V AND VI

1. This application filed by the defendant No.1 to 3 U/O XIV Rule 5 and U/O VIII Rule 1A(3), R/W Sec.151 of CPC, seeking prayer for re-casting of issues by way of striking out of the issue No.3 framed dated: 24.09.2021 as under and production of documents in the interest of justice and equity.

3. Whether the defendants prove that, they are the absolute owners of suit schedule property as contended in the written statement?



2. In the affidavit defendant No.1 to 3 have stated that, the plaintiffs have filed suit for permanent injunction. The defendants have filed their written statement and they have not contended they are the absolute owners of the suit property. The Court wrongly framed the issue No.3. The documents produced by the defendant is necessary for effective adjudication of the real controversy between the parties. The said documents are concerning to the suit property. Hence, prays to allow the applications.

3. Per contra, the plaintiffs have filed their objections to the said applications stating that, the facts of the said applications are not proper and not maintainable under law. The applications filed by the defendants is false. The defendants have created some facts and filed these applications. Hence, prays to reject the applications.

4. Heard from both side, the points that would arise for my



consideration are:

1. Whether the re-casting of issues by way of striking out of issue No.3 is necessary for adjudication of the matter in dispute?

2. What order?

5. My answers to the above points are as under:

Point No.1: In the affirmative and

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

: REASONS:

6. Point No.1:- The plaintiffs have filed the suit for permanent injunction against defendants. The defendants have filed written statement. After filing the written statement this court framed issues. On perusal of entire written statement it reveals that, the defendants did not took contention of ownership. On perusal of plaint averments and prayer, it reveals that the suit of the



plaintiffs is for permanent injunction. When the plaintiffs have sought permanent injunction only 3 issues are consider for adjudication the matter in dispute. Admittedly, this Court has framed issue No.1, 2 and 4 for adjudication the matter in dispute. But the issue No.3 was wrongly framed by this Court and unnecessary burden on the defendants. Therefore, the re-casting of issue No.3 is necessary. The defendants have produced documents. On perusal of documents, it reveals that the said documents are concerning to the suit property. The plaintiffs and defendants have prove their case by producing necessary documents and adduced oral evidence. Hence, the defendants have shown sufficient and satisfactory grounds to allow the applications. Hence, I answer the **point No.1 in the Affirmative.**

7. Point No.2:- In view of the above said reasons on point No.1, I proceed to pass the following:



ORDER

I.A.No.5 and 6 filed by the defendants U/O XIV Rule 5 and U/O 8 Rule 1A(3) R/W Sec.151 of CPC, are hereby allowed.

The issue No.3 framed dated: 24.09.2021 by this Court is deleted.

The documents produced by the defendants taken on record.

No order as to cost.

(Dictated to the stenographer directly on computer, then corrected, signed and then pronounced by me in the open court on this the **07th day of July-2025**)

Sd/-

(Suresh Wagganavar)
Civil Judge & JMFC.,
Byadgi.