

:1:

KAKL200002062015



**IN THE COURT OF THE I-ADDL., CIVIL JUDGE AND JMFC
AT BANGARPET**

PRESENT:

SRI.CHANDRASHEKHAR ALABUR,

B.A., LL.B., (Hons)

I-ADDL. CIVIL JUDGE & JMFC., BANGARPET.

O.S. NO.42/2015

DATED THIS 11TH DAY OF JUNE 2026

PLAINTIFF/S : **Muniramappa.,**

(Rep. by Sri.**N.N.**, Advocate)

-V/S-

DEFENDANT/S: **Lakshamma and another.,**

(Rep. by Sri.**N.S.**, Advocate)

PARTIES TO I.A.NO.9 to 12

Applicant : **Muniramappa.,**

-V/S-

Opponent : **Lakshamma and another.,**

:2:

i.	Provision under which the applications are filed	U/o 18 Rule 17 r/w Sec. 151 of CPC, U/Sec.151 of CPC, U/o 7 Rule 14(c) r/w Sec. 151 of CPC, U/o 16 Rule 1&2 r/w Sec. 151 of CPC,
ii.	Relief sought for	For re-call and re-open
iii.	The date on which the application is filed	10.12.2024, 06.11.2024
iv.	Number of the application	I.A. Nos.9 to 12
v.	The date on which the objection is filed by different opponents	22.01.2025
vi.	The date on which the order were passed on the said application	11s.06.2026

COMMON ORDER ON I.A. Nos.9 TO 12

The plaintiff has filed IA No.9 Under Order XVIII Rule 17 read with Section 151 of CPC seeking recall of PW.1 for further chief-examination. I.A. No.10 is filed under Section 151 of CPC seeking reopening of the plaintiff's evidence from the stage of arguments. I.A. No.11 is filed under Order VII Rule 14(3) read with Section 151 of CPC seeking permission to produce additional documents. I.A. No.12 is filed under Order XVI

:3:

Rules 1 and 2 read with Section 151 of CPC seeking permission to summon the Panchayath Development Officer, Alambadi-Jyothnahalli Gram Panchayath, Bangarapet Taluk, Kolar District.

2. The plaintiff has contended that he has recently obtained certain documents from the concerned Gram Panchayath and that the said documents are necessary for proving his case and disproving the case of the defendants. It is further contended that the Demand Register Extracts obtained from the Gram Panchayath are required to be marked in evidence and therefore reopening of the case, recall of PW.1 and permission to produce documents are necessary. It is also contended that the PDO is a necessary witness to speak about the said documents.

3. The defendants have filed common objections contending that sufficient opportunity had already been granted to the plaintiff to adduce evidence. It is contended that the case has already reached the stage of arguments and

:4:

several opportunities were granted to the parties. It is further contended that the plaintiff had complete knowledge of the nature of the defence and documents relied upon by the defendants throughout the trial. According to the defendants, the present applications are filed only to protract the proceedings and delay the pronouncement of judgment. The defendants therefore seek dismissal of all the applications.

4. Heard the counsel. Perused the material available on record. The following points arise for my consideration.

5. The following points arise for consideration:

1. Whether the plaintiff has made out sufficient grounds to reopen the case, recall PW.1 and produce additional documents as sought in I.A. Nos.9 to 11?
2. Whether the plaintiff has made out sufficient grounds to summon the Panchayath Development Officer as sought in I.A. No.12?
3. What order ?

:5:

6. My answer to the above aforesaid points are as follows:-

Point No.1 : In the **Negative**

Point No.2 : In the **Negative**

Point No.3 : As per final order for the following:-

REASONS

7. Point Nos.1 and 2: Since both points are interconnected, they are taken together for common discussion. At the outset, the order sheet maintained by this Court assumes considerable significance. The records disclose that after completion of the evidence of both sides, the matter was posted for arguments on several occasions. The case was posted for arguments on 04.07.2023, 06.07.2023, 12.07.2023, 18.07.2023, 25.07.2023, 26.07.2023, 02.08.2023 and 09.08.2023. The plaintiff addressed his arguments on 09.08.2023. Thereafter, the matter was posted for arguments of the defendants on 16.08.2023. Since the defendants failed to address arguments, the matter was posted for judgment on 22.08.2023.

8. The records further disclose that the defendants subsequently filed written arguments on 30.08.2023. Even thereafter, the plaintiff did not permit the litigation to attain finality. Instead, he filed I.A. No.7 under Order XXVI Rule 9 CPC and I.A. No.8 under Order VI Rule 17 CPC. Both the said applications came to be dismissed. Thereafter, the present set of applications in I.A. Nos.9 to 12 have been filed.

9. Thus, the chronology of events unmistakably demonstrates that the evidence of parties had long been concluded, arguments had substantially commenced, the plaintiff himself had already advanced arguments and the matter had virtually reached the stage of pronouncement of judgment.

10. The law is well settled that reopening of evidence, recall of witnesses and production of documents at a highly belated stage cannot be permitted as a matter of routine. Such power is discretionary and is to be exercised sparingly only when the Court is satisfied that the evidence sought to be introduced is absolutely essential for a just decision of the case

:7:

and that despite due diligence the party could not have produced such evidence earlier.

11. In the present case, the affidavits filed in support of the applications are conspicuously silent regarding the exercise of due diligence. The plaintiff merely states that he has recently obtained certain documents from the Gram Panchayath. No explanation whatsoever is offered as to why such documents could not have been secured during the pendency of the trial which has remained pending for several years. The plaintiff does not disclose the date on which he applied for such documents nor does he explain the circumstances that prevented him from securing the same before closure of evidence.

12. The suit is one for permanent injunction simpliciter. The plaintiff had already entered the witness box as PW.1 and had ample opportunity to produce all documents supporting his possession and enjoyment of the suit property. The defendants had also completed their evidence. Therefore, the attempt to reopen the entire matter after conclusion of evidence

and commencement of arguments cannot be viewed as bona fide.

13. The Hon'ble Supreme Court in **K.K. Velusamy v. N. Palanisamy**¹ has held that reopening of evidence and recall of witnesses cannot be permitted to fill up omissions or lacunae in a party's case and that such powers must be exercised only where the Court finds that the evidence sought to be adduced is necessary for clarification of any issue and not for enabling a party to improve its case.

14. Likewise, in **Bagai Construction v. Gupta Building Material Store**² the Hon'ble Supreme Court has categorically held that applications for reopening evidence and recall of witnesses filed after completion of trial should not be entertained merely because a party wishes to improve its case or rectify deficiencies left during trial. The Court observed that procedural law cannot be permitted to be abused by litigants seeking repeated opportunities after closure of evidence.

¹ (2011) 11 SCC 275

² (2013) 14 SCC 1

15. Further, in **Ram Rati v. Mange Ram**³ the Hon'ble Supreme Court reiterated that additional evidence cannot be permitted at a belated stage when the party had sufficient opportunity during trial and the attempt is only to fill lacunae in the evidence already adduced.

16. Applying the aforesaid principles to the facts of the present case, this Court finds that the plaintiff has failed to establish any exceptional circumstance warranting reopening of evidence. The reasons assigned are vague and wholly insufficient. The applications do not satisfy the requirement of due diligence. The conduct of the plaintiff in repeatedly filing applications after conclusion of trial also assumes significance.

17. So far as I.A. No.12 is concerned, the plaintiff seeks to summon the Panchayath Development Officer. The documents sought to be produced are stated to be Demand Register Extracts. Such records are public documents maintained by the Gram Panchayath. The plaintiff has not demonstrated as to why the personal appearance of the PDO is

³ (2016) 11 SCC 296

:10:

indispensable. No specific fact requiring oral testimony of the PDO has been disclosed. In the absence of any such foundation, summoning a public officer at this stage would amount to an unnecessary exercise and would further delay disposal of a suit which is already ripe for judgment.

18. This Court is therefore of the considered opinion that the present applications are not filed for effective adjudication of the controversy but are intended to reopen a concluded trial and protract the proceedings. Entertaining such applications at this stage would defeat the very object of timely administration of justice and encourage endless litigation. Accordingly, **Point Nos.1 and 2 are answered in the Negative.**

19. Point No.3: In view of the findings recorded on the above points, I proceed to pass the following:

ORDER

I.A. No.9 filed under Order XVIII Rule 17 read with Section 151 of CPC is hereby dismissed.

I.A. No.10 filed under Section 151 of CPC is hereby dismissed.

:11:

I.A. No.11 filed under Order VII Rule 14(3) read with Section 151 of CPC is hereby dismissed.

I.A. No.12 filed under Order XVI Rules 1 and 2 read with Section 151 of CPC is hereby dismissed.

(Dictated to the Stenographer directly in the computer, transcribed by her, corrected and then pronounced by me in the Open Court on this the **11th day of June, 2026**).

SD/-
I-Addl., Civil Judge and J.M.F.C.,
Bangarpet.