

**IN THE COURT OF THE CIVIL JUDGE
AND JMFC, K.R.PETE.**

:Present:

Kum.Parvathi.V, B.A.L, LL.B.
Civil Judge & J.M.F.C.,
K.R.Pete.

Dated : This the 23rd day of June 2025

O.S. No.164/2016

Plaintiffs : Vinodhachar @ Chinnappa
S/o Late Lingachar @
Appajachar,
Aged about 85 years,
Dead by Lrs

1a) A.V.Ravindra,
S/o Late Vinodhachar @
Chennappa,
Aged about 46 years,

1b) A.V.Natesha
S/o Late Vinodhachar @
Chennappa,
Aged about 44 years,
Both are R/of House
No.3/163,PLD Bank Road,
Ward No.3 Mysure Road,
K.R.Nagara Town.

- V/s -

Defendants : A.R.Nagarajachar
S/o Late A.Rajachar,
Aged about 60 years,
retire school teacher,
Chowkahalli, K.R.nagara Town,
Dead by Lrs,

- 1a) Kamalamma
W/o Late A.R.Nagarajachar,
Aged about 58 years,
 - 1b) A.N.Ganeshkumar
S/o Late A.R.Nagarajachar,
Aged about 30 years,
 - 1c) A.N.Hemanthkumar
S/o Late A.R.Nagarajachar,
Aged about 28 years,
 - 1d) A.N.Kokila
S/oLate A.R.Nagarajachar,
Aged about 26 year,
All are R/at opposite
Shanidevara Temple,
Chowdenahalli Village,
Kasaba Hobli,
K.R.Pete Taluk,
Mandya District.
2. A.R.Anandhachar
S/o Late A.Rajachar,
Aged about 56 years,
Alambadi Village,
Akkihebbalu Hobli,
K.R.Pete Taluk,
Mandya District.

I A No.XII to XV

Vinodhachar (Dead by Lrs)
A.V.Ravindra & others : Applicants/Plaintiffs

-V/s-

Nagarajachari and others. : Opponents/defendants.

ORDERS ON I.A.No.XII to XV

I.A.No.XII to XV filed the plaintiffs under order 18 Rule 17 of CPC 151 of CPC, VII Rule 14 r/w sec.151 of C.P.C seeking for reopen recall and production of additional Documents.

In the accompanying affidavit the plaintiffs have submitted that the plaintiffs have filed the suit for the relief of partition and separate possession against the defendants in respect of the suit schedule properties. During the pendency of the suit plaintiff know said documents are very much necessary to prove the suit properties are the ancestral properties of Pw.1 if application are allowed no hardship will be caused to the defendants. Hence they have prayed the allow the application.

3. On the contrary the counsel for the defendants have filed objection contending that the application is not maintainable in the eyes of law. After completion of evidence of the both side. The plaintiffs intentionally filed false applications to drag the court proceedings. Among all these grounds prays to reject the application.

4. Heard the argument from the both sides. In view of the materials before court and rival contention arised by

the parties, the following points arisen for my consideration:-

POINTS

1. Whether the plaintiffs have made out the sufficient grounds to allow the application under Order 18 Rule 17 r/w section 151 of CPC?
2. Whether the plaintiffs have made out the sufficient grounds to allow the application U/s.151 of CPC ?
3. Whether the plaintiffs have made out the sufficient grounds to allow the application U/o.7 rule 14 r/w section 151 of CPC ?
4. What order ?
5. My answers to the above points are as under:
 - Point No.1 : In the Affirmative
 - Point No.2 : In the Affirmative
 - Point No.3 : In the Affirmative
 - Point No.4 : As per the final order for the following ;

REASONS

6. Point No.1 to 3 : These points are taken together for the common discussion and to avoid the repetition of the facts of the case.

7. Perused the records of the case, the plaintiffs have filed the suit for the relief of partition and separate possession against the defendants in respect of the suit schedule properties. The suit schedule propensities are the ancestral properties of the plaintiffs and they have been in actual possession of the suit schedule properties. The plaintiffs have right get the partition in order to prove the same, it is necessary to produce some documents.

8. Perused the documents produced by the plaintiffs The said documents will be assist the rendering justice and the said documents are necessary to adjudication of the matter and to avoid multiple proceedings. The court is satisfied that the non production of earlier documents by the plaintiffs is bona-fide one and sufficient grounds made out.

9. In the view of judgment of the Hon'ble High Court of Karnataka in **Nanjunda Shetty and others -Vs- Tallam Subbarai Shetty and others reported in ILR 2004 Kar 924** held thus Civil Procedure Code 1908 (amendment Act 46/99 and amendment Act 22/2002 – Order 7 Rule 14, order 8 Rule 1A – Non production of documents along with the pleadings – Laches on the part of the party or his pleader HELD – As the procedure is only a hand made of justice

these, procedural requirement should not in any way defeat the cause of justice and there should not be sufferings because of laches on the part of the party or the pleader in not producing the document along with the pleadings.

10. In view of the above principle laid down in the above citation is squarely applicable to the case on hand. In case on hand, the documents produced by the plaintiffs are necessary and relevant to the fact of the case. Hence by exercising discretionary power to the facts and circumstances of this case, answered the **point Nos.1 to 3 in the Affirmative.**

11. Point No.4: For above said reasons of point Nos.1 to 3 following order:

ORDER

The I.A.XII to XV under Order 18 Rule 17 of CPC 151 of CPC, VII Rule 14 r/w sec.151 of C.P.C are here by allowed with cost of Rs.50/- each.

(Dictated to the Stenographer directly on computer, typed by her, corrected by me and then pronounced in the open Court on this the 23th day of June 2025)

(PARVATHI.V)
Civil Judge & JMFC,
K.R.Pete.

Order pronounced in open court
Vide Separate

ORDER

The I.A.XII to XV under Order 18 Rule 17 of CPC 151 of CPC, VII Rule 14 r/w sec.151 of C.P.C are here by allowed with cost of Rs.50/- each.

Call on for further chief of Pw.1. 10.07.2025

Civil Judge & JMFC,
K.R.Pete.

