

**IN THE COURT OF PRINCIPAL CIVIL JUDGE AND J.M.F.C, AT
NAGAMANGALA**

PRESENT:

Sri. Shivaraju H.S.
B.A.Law. L.L.B.,
Prl. Civil Judge and J.M.F.C,
Nagamangala.

DATED THIS THE 12th DAY OF FEBRUARY 2026

F.D.P. No.4/2017

Petitioner : Lakshmi.

Versus

Respondents : Hucchaiah and others.

ORDERS ON I.A.No.VI

**Applicant/
Respondent No.3:** Doddegowda

(By Sri.N.S.R., Advocate)

Versus

**Plaintiff/
Opponent :** Lakshmi.

(By Sri.J.K.R., Advocate)

ORDERS ON IA No.VI

The applicant/respondent No.3 has filed this application under Section 151 of CPC, seeking reopen the case for re-enquiry

on I.A.No.IV.

2. The application is appended with the affidavit of respondent No.3. In the affidavit, it is stated that, the petitioner has filed this case for drawing up of final decree. He has filed application in respect of Sy.No.44/2025 to include the same in the present case. The said application came to be rejected. Due to his family problem, he was not appeared before the Court and conducted enquiry on I.A.No.IV. Now, he has obtained documents of Sy.No.44/2025, which is also ancestral and joint family property. As such, it is necessary to hold enquiry on the same. Therefore, it is prayed to permit respondent No.3 to conduct enquiry on I.A.No.IV.

3. On the other hand, the petitioner has not filed any objection to the application.

4. Heard the arguments on both sides.

5. Upon hearing arguments and on perusal of materials placed on record, the following points arise for consideration:

POINTS

1. Whether the application is deserves to be allowed?
 2. What Order?
6. My findings to the above Points are as under:

Point No.1 : In the Affirmative,

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

REASONS

7. **Point No.1:-** This is a final decree proceedings based on preliminary decree passed in O.S.No.85/2016.

8. Herein the case, contention of respondent No.3 is that, the petitioner had not included Sy.No.44/25 measuring 3 guntas in original suit. The said property also ancestral and joint family property. Due to non-availability of document, he has not conducted enquiry on I.A.No.IV. Now, he has obtained document. As such, it is prayed to permit to conduct enquiry on I.A.No.I.

9. Admittedly, I.A.No.IV was filed for seeking include Sy.No.44/25 and same was dismissed as respondent No.3 has not produced any documents. Now, he has obtained the documents

and sought permission to reopen the case for enquiry on I.A.No.IV. The proceedings is relating to partition and separate possession. The basic principle in a suit for partition and separate possession is to include all the family properties and all the family members. As such, it is just and proper to provide an opportunity for respondent No.3 to conduct enquiry on I.A.No.IV. Otherwise, definitely he would file another suit for partition which is nothing but multiplicity of the proceedings. Therefore, in the interest of justice and equity, this court is of the opinion that, it is just and proper to permit the respondent No.3 for enquiry on I.A.No.IV by recalling order dated 14.02.2025 on imposing appropriate cost. ***Hence, this court answered the point No.1 in the Affirmative.***

10. **Point No.2:-** In view of the reasons assigned in above, this court proceed to pass the following:-

ORDER

I.A.No.VI filed by the
applicant/respondent No.3 is hereby allowed
on cost of Rs.500/- which shall be deposited
to TLSC., Nagamangala.

Accordingly, case is reopened for
enquiry on I.A.No.IV by recalling order dated
14.02.2025.

*(Dictated to the Stenographer directly on the computer typed by him, corrected and pronounced by me in the open court on this the **12th day of February-2026**).*

(Shivaraju H.S.)
Prl. Civil Judge & JMFC.,
Nagamangala.