

**IN THE COURT OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND JMFC AT PANDAVAPURA**

Dated this 17th day of April- 2026

PRESENT :

SRI.BABU N., B.com, LL.B.
I Addl. Senior Civil Judge & JMFC,
Pandavapura.

O.S.No.09/2021

PLAINTIFF : Venkatesha

V/s

DEFENDANTS : Smt.Vanajakshamma and others

PARTIES IN I.A.18 and 19

APPLICANT : K.Nagarajegowda

.....6th Defendant

V/s

OPPONENTS : Venkatesha

..... Plaintiff

**COMMON ORDER ON I.A.No.18 AND 19 FILED
UNDER SEC.151 OF CPC**

The defendant No.6 has filed these two applications to reopen and recall DW-1 for further cross examination.

2. The gist of the statements made in the affidavits annexed to the applications is that, on the previous date of hearing, DW-1 was recalled and got marked an unregistered partition deed which is not executed by the defendant No.6 and the said document is a concocted and created one to knock off the properties of defendant No.6 and that, the court has not granted time to cross examine DW-1 and that, it is necessary to

cross examine DW-1 in order to protect the interest of defendant No.6 and also to facilitate proper administration of justice and avoid multiplicity of proceedings.

3. The applications are resisted by the defendants No.1 to 5 stating that, the defendant No.6 has already cross examined DW-1 at length in respect of the document produced by the DW-1 and hence there is no need to cross examine DW-1 on the same document once again and that, the reasons mentioned in the affidavit filed in support of the applications are false and hence the applications are liable to be dismissed.

4. Following points arise for consideration:

1. Whether the defendant No.6 has made out grounds to reopen the case and recall DW1 for further cross examination?
2. What order?

5. Having heard learned counsel for the respective parties and considered the material on record I have answered the above points as below:

Point No.1:- In the **Affirmative**

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

REASONS

6. **POINT NO.1:-** The defendant No.6 has filed the applications when the suit was listed for plaintiff's further arguments after conclusion of cross examination of DW-1 by him. The defendant No.6 has stated that, he had requested the court to provide an opportunity to cross examine DW-1. The record shows that, learned counsel for the defendant No.6 was not ready to cross examine DW-1 on the previous date and hence his prayer for granting time to cross examine DW-1 was

rejected. Now, defendant No.6 has stated that, he has not executed the document which is produced by the DW-1 on the previous date of hearing and hence it is necessary to cross examine DW-1. As the defendant No.6 has stated that, he has not executed the document which is produced by the DW-1 during the course of his examination it is proper to provide an opportunity to him to cross examine DW-1. Hence I answer Point No.1 in the **Affirmative**.

7. **POINT NO.2:-** Having answered Point No.1 in the Affirmative, I proceed to pass the following:

ORDER

I.A.No.18 and 19 filed under Section
151 of CPC are allowed.

For further cross examination of DW-1.

Call on 22.04.2026.

(Dictated to the Stenographer on computer directly, corrected, signed and pronounced by me in the open Court on this the 17th day of April 2026)

(BABU N.)
I Addl. Senior Civil Judge & JMFC,
Pandavapura.

(Order pronounced in the open Court
vide separate Order

ORDER

I.A.No.18 and 19 filed under
Section 151 of CPC are allowed.

For further cross examination of
DW-1.

Call on 22.04.2026.

(BABU N.)
I Addl. Senior Civil Judge & JMFC,
Dt : 17/04/2026 Pandavapura.

