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**THE COURT OF THE SENIOR CIVIL JUDGE AND
J.M.F.C., H.D.KOTE**

Present:**Mahesh.B.T.,** B.Com., LL.M.,
Senior Civil Judge & J.M.F.C.,
H.D.Kote.

O.S. No.86/2018

Dated : On this the 12th December, 2025

Plaintiff/s : G.C.Puttaswamy
@ Puttaswamygowda

V/s

Defendants: Smt. Rajamma & Others

ORDER ON I.A.Nos.XVII & XVIII

Applicants/Defendants : Smt. Rajamma & Others
--- Defendant

-V/s-

Opponents/Plaintiff : G.C.Puttaswamy
@ Puttaswamygowda
--- Plaintiff

**COMMON ORDERS ON I.As.17 and 18 FILED BY
THE DEFENDANT No.2 U/S 151 OF CPC AND U/O
18 RULE 17 R/W SEC.151 OF CPC**

The counsel for defendant No.2 has filed two I.As U/s 151 of CPC and U/o 18 Rule 17 R/w Sec.151 of CPC praying to reopen and recall of DW1 to adduce further evidence to mark the documents already on record in the interest of justice and equity.

2. As these two applications are interconnected, the Court wishes to treat them collectively to avoid repetition of the orders and to avoid duplication of work.

3. In both the accompanied affidavits, the defendant deposed that, the plaintiff has filed the suit for Declaration and Cancellation Gift deed against the defendants. It is stated that, they have produced the earlier gift deed executed by the defendant No.4 in favour of his father. They have produced the earlier gift deed before the court but gift deed is not marked same is noticed by his advocate at the time of arguments addressed by the plaintiff side, the non-marking of the said documents is bonafide and not deliberate that document has to be marked for the

collective purpose only. If the document marked the pray will not be put to any hardship. Since that document referred on all the revenue proceedings and also writ petition filed by the plaintiff before Hon'ble High Court and also referred in the written statement the non-marking of the document is bonafide and not deliberate. Hence, she is prayed to allow the application.

4. The plaintiff has filed objection to the applications is that, 1. The application filled by the Defendant No.2 is not maintainable either in law or on facts, the same is liable to be dismissed in limine.

5. It is submitted that, the matter posted for argument on the Defendants side, at the stage the Defendant No.2 come up with the application, only with intention to drag on the proceedings come up with the application. 2 ನೇ ಪ್ರತಿವಾದಿಯು ನಾನು ಮಾಜಿ ಶಾಸಕನ ಮಗನೆಂಬ ಕಾರಣದಿಂದ ಈ ದಾವಾ ಆಸ್ತಿಯನ್ನು ಲಪಟಾಯಿಸಬೇಕೆಂಬ ದುರುದ್ದೇಶದಿಂದ ಅವರು ಅತಿಕ್ರಮ ಪ್ರವೇಶ ಮಾಡಿ ಮನೆಯಲ್ಲಿರುವ ಕಾರಣ ಈ ರೀತಿ ಕಾಲಹರಣ ಮಾಡಿದರೆ ವಾದಿಗೆ ನೋವುಂಟು ಮಾಡಬಹುದೆಂಬ ದುರುದ್ದೇಶದಿಂದ ಒಂದಲ್ಲ ಒಂದು ರೀತಿ ಅರ್ಜಿಯನ್ನು ನ್ಯಾಯಾಲಯಕ್ಕೆ

ಸಲ್ಲಿಸುತ್ತಾ ಬಂದಿರುತ್ತಾರೆ. ಇದು ನ್ಯಾಯಾಲಯದ ದಾಖಲೆಗಳಿಂದ ವ್ಯಕ್ತವಾಗುತ್ತದೆ. ವಾದಿಯ ಪರವಾಗಿ ಹುಣಸೂರಿನ ಗೌರವಾನ್ವಿತ ಸಿವಿಲ್ ಜಡ್ಜ್ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಡಿಕ್ರಿಯಾಗಿದ್ದು, ಅದನ್ನು ಪ್ರಶ್ನೆ ಮಾಡಿ ಮಿಸ್ ಅರ್ಜಿಯನ್ನು ಈ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಅಲ್ಲಿಯೂ ಸಹಾ ಕಾಲಹರಣ ಮಾಡಿದ್ದು, ವಾದಿಯು ವಾದ ಮಾಡಿದ ನಂತರ ಹಲವು ದಿನಾಂಕಗಳನ್ನು ಪಡೆದುಕೊಂಡು ಯಾವುದೇ ಸಕಾರಣವಿಲ್ಲದೆ ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಉಲ್ಲೇಖಿತ ದಾನ ಪತ್ರವು ಈ ಎಲ್ಲಾ ವಿಚಾರ ನೋಂದಣಿಯಾಗಿರುವುದಿಲ್ಲ. ಅದಕ್ಕೆ ಯಾವುದೇ ಕಾನೂನಿನ ಮಾನ್ಯತೆ ಇರುವುದಿಲ್ಲ, ಅದನ್ನು ನಿಶಾನೆಗೊಳಿಸುವ ಪ್ರಮೇಯವೇ ಉದ್ಭವಿಸುವುದಿಲ್ಲ. ತಿಳಿದಿದ್ದರೂ ಸಹ ಇಲ್ಲಿಯವರೆವಿಗೂ ಕಾಯ್ದು ಈ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಆದುದರಿಂದ ಈ ಅರ್ಜಿಯನ್ನು ಖರ್ಚು ಸಹಿತ ವಜಾ ಮಾಡಬೇಕೆಂದು ವಾದಿಯು ಘನ ನ್ಯಾಯಾಲಯವನ್ನು ಪ್ರಾರ್ಥಿಸಿಕೊಳ್ಳುತ್ತಾರೆ. Those documents are not material documents to prove the case of the Defendants. To fill up the lacuna the Defendants filed the application. Hence it is not maintainable. Hence, it is prayed to dismiss the applications.

6. I have heard the counsels on both the applications.

7. On perusal of the application, it is seen that, the plaintiff has filed the suit for the relief of declaration and for cancellation of gift deed. Now, stage is stood for the arguments. At this juncture, the defendant No.2 has moved the instant applications to recall and reopen the case for further evidence of defendant No.1. If the said application is not allowed then the last opportunity for the applicant to prove his case will be denied and he will be put into hardship which cannot be compensated by any means. Hence, in the interest of justice, last and final chance has to be given to the defendant No.2 to further evidence of defendant No.1 with condition. Hence, I proceed to pass the following:-

ORDER

I.As No.17 and 18 filed by the defendant No.2 U/s 151 of CPC and U/o 18 Rule 17 R/w Sec.151 of CPC are hereby allowed on cost of Rs.1,500/-. Out of that Rs.500/- will be paid to the TLSA, H.D.Kote.

Further, DW1 is directed to be present at the next date of hearing without fail and to adduced his evidence.

For further chief of DW1 by
08.01.2026

- Sd/-

**Senior Civil Judge & JMFC,
H.D.Kote**