

**IN THE COURT OF ADDL. SENIOR CIVIL JUDGE AND JMFC., AT
HUNSUR,**

**Presided Over by Bhagyamma
B.com. L.L.B.,**

Dated, this the 29th day of July 2025

Ex.No.4/2020

Decree Holder : Sri R. Somegowda

.Vs.

Judgment Debtors : Sri Nanjegowda
dead by Lrs & another

IA No.14 to 16

Applicant : Smt. Savithamma

.....LR of DHr

.Vs.

Opponents : Sri Nanjegowda
dead by Lrs & another

.....Judgment Debtors

ORDER ON IA.NO.14 to 16

The learned counsel for applicant / Dhr has filed these IAs under Sec.151 of CPC, under Order 18 Rule 17 R/w Sec.151 of CPC and under Order 7 Rule 14 R/w Sec.151 of CPC praying to re-open the case, recall of PW-1 to lead further evidence and to receive the documents by condoning the delay in filing the same by allowing these applications in the interest of justice.

2. Per contra, learned counsel for objector has filed common objections to said IAs by denying the contents of applications and prayed to reject the IAs.

3. Heard and Perused.

4. Now, the point that would arise for my consideration is as under:

Whether the Dhr has made out ground to re-open, recall of PW-1 and to condone the delay in filing the documents as prayed in IAs?

5. My findings to the above point is in the Affirmative for the following:

REASONS

6. This petition is filed by the Dhr against Jdrs based on the judgment and decree passed in OS.No.178/2007 seeking for eviction of registered sale deed and delivery of vacant possession of the schedule property. The petition has been resisted by the Jdrs and in this petition objector has filed the application in order to resist the execution of judgment and decree passed in both suits. As such the Lrs of Dhr has been recorded as PW.1 and got marked judgment and decree as Ex.P1. In the mean while the Dhr cited has come up with these applications in order to produce some more documents such as copy of the order passed by ADLR dated 27.09.2024 and endorsement given by ADLR office. Even though it has been resisted by the objector it is just and necessary to allow the applications in the

interest of justice. It is well settled principle of law that an opportunity is to be given to the party who come up with subsequent documents in order to meet the ends of justice. Consequently, it is incumbent to re-open and to recall of PW.1 to mark the documents which are received subsequently by the party. Accordingly, the above point is answered in the **Affirmative**. In the result, I proceed to pass the following;

ORDER

The IAs 14 to 16 filed under Sec.151 of CPC, under Order 18 Rule 17 R/w Sec.151 of CPC and under Order 7 Rule 14 R/w Sec.151 of CPC are hereby allowed.

Consequently, the case is reopened and PW.1 is recalled to mark the documents for further chief of PW.1.

Call on 16.08.2025.

29.07.2025

**Addl. Senior Civil Judge & JMFC.,
Hunsur.**