

KAMS400020392018



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC
AT K.R.NAGAR**

**PRESENT: Sri. Aravindra B.C., B.A., L.L.B.,
Senior Civil Judge & JMFC,
K.R.Nagar.**

Dated this the 17th day of December, 2025

O.S. No.69/2018

Plaintiff : Smt. Savithamma

-Versus-

Defendants : Smt. Kamamma and others

Parties to I.A.No.XVI to XVIII

Applicants : 1. Smt. Kamamma,
W/o Late Govindgowda,
D/o Late Uddegowda
@ Uddugowda,
Aged about 63 years,
R/at: Kalluru Naganahalli village,
Yelwala Hobli, Mysuru Taluk.

2. Sri. Rajegowda,
S/o Late Uddegowda
@ Uddugowda,
Aged about 62 years.



3. Sri. Somegowda,
S/o Late Uddegowda
@ Uddugowda,
Aged about 59 years.
4. Smt. Rathnamma,
W/o Late Shivananjegowda,
D/o Late Uddegowda
@ Uddugowda,
Aged about 57 years,
R/at: Thattekere village,
Hanagodu Hobli, Hunsur Taluk,
Mysuru District.
5. Sri. Nagegowda,
S/o Late Uddegowda
@ Uddugowda,
Aged about 53 years.
6. Sri. Shankaregowda
@ Shashishekhar,
S/o Late Uddegowda
@ Uddugowda,
Aged about 51 years.
7. Smt. Yashodamma,
W/o Kumaraswamy,
D/o Late Uddegowda
@ Uddugowda,
Aged about 49 years,
R/at: K.M.Hundi village,
Alanahalli Post,
Hampapura Hobli,
H.D.Kote Taluk.



8. Smt. Meenakshi,
W/o Shankaregowda
@ Shashishekhar,
Aged about 45 years.

Defendant No.2, 3, 5, 6 & 8 are
R/at: Beeranahalli village,
Hebbalu Hobli, K.R.Nagar Taluk.

..... Defendants

(D1 to 6 by Sri. T.G., Adv.)

(D7 by Sri. A.P., Adv.)

(D8 by Sri. M.C.V.K., Adv.)

-V/s-

Opponent : Smt. Savithramma,
W/o Krishnegowda,
D/o Late Uddegowda @ Uddugowda,
Aged about 55 years,
R/at: Thattekere village,
Hanagodu Hobli, Hunsur Taluk,
Mysuru District.

..... Plaintiff

(By Sri. H.K.H., Adv.)

Provision under which the application is filed	Under Section 151 of CPC, Under Order 18 Rule 17 R/w Section 151 of CPC and Under Order 8 Rule 1(a) of CPC.
Relief Sought For	Seeking permission to reopen the case, to recall



	the PW-1 and to produce the documents
The date on which the application is filed	19.08.2025
Number of the application	IA No.XVI to XVIII
The date on which the objection is filed by the different opponents	25.09.2025
The date on which the order was passed on the said application	17.12.2025

ORDER ON IA.No.XVI to XVIII

The defendants have filed the I.A.No.XVI under Section 151 of CPC for reopen the case, the IA No.XVII filed under Order 18 Rule 17 R/w Section 151 of CPC and the IA No.XVIII under Order 8 Rule 1(a) of CPC for production of documents with leave of the court.

2. In the affidavits, which enclosed to I.A.No.XVI to XVIII, wherein the defendant No.6 has stated that, the plaintiff has filed a suit against the defendants for the



relief of partition and separate possession with respect to the schedule properties. Further, the defendant No.6 has stated that now the case was posted for arguments, at this stage he intended to produce the documents which are relating to the suit schedule properties. The said documents are relevant to prove the case of the defendants. If the applications are allowed, no harm or injury will be caused to the other side. Hence, he prays for allow the applications.

3. On the other hand, the plaintiff has filed objection to the applications. In the objection it is stated that, the applications filed by the plaintiff are not maintainable both in law and facts. Further it is stated that, the plaintiff has not assigned any specific reason to allow the applications and with intention to drag on the proceedings of the court, he has filed the present



applications. Therefore, she prays for reject the applications.

4. Heard and perused the records.

5. The following points that would arise for this court consideration is:

1. Whether the defendants have made out sufficient grounds to allow the applications ?

2. What order?

6. The findings on the above points are as follows:

Point No.1 : In the Affirmative
Point No.2 : As per final order for the following :

REASONS

7. **Point No.1:-** It is noticed from the pleadings of the parties that, the plaintiff has filed a suit against the defendants for the relief of partition and separate



possession with respect to the suit schedule properties. On the other hand, the defendants have appeared before this court and filed written statement. On the basis of rival claimants of the parties, this court framed necessary issues and when the case was posted for arguments, the present applications were filed.

8. On the other hand the defendant No.6 has contended that at the time of filing of the written statement he has not produced any document in his favour. Hence, now he intended to produce the documents in order to prove the case of the defendants. The documents which the defendant No.6 was intended to produce are necessary to prove the case of the defendants. If the applications are allowed, the plaintiff has got right to cross-examine to the defendants on the proposed documents.



9. No doubt, the present applications were filed when the matter was posted for arguments. The suit was filed in the year 2018. The defendants caused delay by filing these applications for that they have to compensate by way of cost to the plaintiff. Hence, keeping in view of the facts and circumstances of the case, the applications filed by the counsel for defendants are allowed. **With these observations, this court answered Point No.1 is in the Affirmative.**

10. **Point No.2**: In view of the discussions and conclusion arrived at Point No.1, this court proceed to pass the following;

ORDER

The IA. No.XVI filed by the defendants under Section 151 of CPC, the IA No.XVII filed under Order 18 Rule 17 R/w Section 151 of CPC and the IA No.XVIII under Order



8 Rule 1(a) of CPC are allowed on cost of
Rs.1,000/-.

*[Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the Open Court on this the **17th day of December, 2025]***

**(ARAVINDRA B.C.)
SENIOR CIVIL JUDGE & JMFC.,
K.R.NAGAR.**