



**IN THE COURT OF THE HONOURABLE I ADDITIONAL CIVIL
JUDGE & JMFC, AT KRISHNARAJANAGAR.**

PRESENT: SMT. ASRINA.,B.A, LLB.
I ADDL. CIVIL JUDGE AND JMFC, KRISHNARAJANAGAR.

DATED THIS 12TH DAY OF SEPTEMBER, 2025

O.S.No.48/2019

BETWEEN

PLAINTIFF	Smt.Nagamma W/o Late.P.S.Rajashekar Aged:55 years R/at: Pura Village Akkihebbalu Hobli Krishnarajapete Taluk Mandya District. (By:Shri.G.L.D Advocate)
DEFENDANTS	1. Shri.Javaregowda (Since dead R/by his LR's) S/o Late.Siddikalegowda 1a. Smt.Sowbhagya W/o Late.Javaregowda Aged: 55 years. 1b. Shri.Prasanna S/o Late.Javaregowda Aged: 35 years 1c. Shri.Prashantha S/o Late.Javaregowda Aged: 32 years



	2. Shri.Mahadeva S/o Late.Siddikalegowda Aged: 45 years Defendants No.1(a) to (c) & 2 are R/at: Maragowdanahalli village Hosaagrahara Hobli, Krishnarajanagara Taluk, Mysuru District. 3. Shri.Huccheregowda S/o Late.Mollegowda Aged: 45 years R/at: Kanchinakere Village, Hosaagrahara Hobli, Krishnarajanagara Taluk, Mysuru District. 4. The Tahasildar Krishnarajanagar Taluk Krishnarajanagar. 5. The Sub-Division Officer, Hunsuru Taluk Hunsuru. 6. The Chief Secretary Government of Karnataka Ambedkar veedi Bengaluru (Defendants No.1(a) to (c),2 By:Shri.MCVK Adv) (Defendant No.3 By:Shri.SLK Adv) (Defendants No.4 to 6 are placed Ex-parte)
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**IA NO.13****BETWEEN**

APPLICANT/ PLAINTIFF	Smt.Nagamma
OPPONENTS/ DEFENDANT NO.1(B)	Shri.Prasanna

Provision of law	Order 47 Rule 1 R/w Sec.114 of CPC.
Relief sought in the application	To review the order dated 14/07/2025 passed by this court on IA No.10 to 12.
Date of filing the application	25/07/2025
Date of filing the objection to the application	06/08/2025
Date of order	12/09/2025.

(SMT.ASRINA)
I ADDL. CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR.

**ORDERS ON IA.NO.13 FILED BY THE PLAINTIFF UNDER
ORDER 47 RULE 1 R/W SEC.114 OF CPC**

1. Plaintiff has filed the present suit for the relief of declaration of

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her title as well as for perpetual injunction as against the defendants.

2. When the above case was at the stage of cross-examination of Dw.1, the plaintiff has filed the present application praying to review the order dated 14/07/2025 passed by this court on IA No.10 to 12.

3. In the affidavit accompanying the application it is averred that the plaintiff has filed the present suit for the relief of declaration of her title as well as for perpetual injunction as against the defendants. It is averred that the plaintiff has filed the present suit on the basis of the notary affidavit dated 21/02/1992 executed by Mr.K.Swamygowda S/o Late.Kenchegowda, Secretary of Kalidasa Hostel in favour of her father-in-law. It is averred that during the course of cross-examination of Pw.1, since the Pw.1 was asked to examine the witnesses as named in the list annexed to the I.A.No.12, the plaintiff had filed I.A.No.10 to 12 to reopen the above case for the purpose of leading the evidence of witnesses mentioned in the list annexed to the I.A.No.12 on behalf of the plaintiff. It is averred that inspite of the defendants submitting no objections to I.A.No.10 to 12 and without giving sufficient opportunities to the plaintiff to lead her further evidence, this

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court has dismissed the I.A.No.10 to 12 filed by the plaintiff. It is averred that if the application is allowed no hardship will be caused to the defendants. On the other hand if the application is not allowed then the plaintiff will suffer irreparable loss. Hence on the above grounds the plaintiff has prayed to review the orders passed by this court on IA No.10 to 12 by allowing the present application.

4. The application was objected by the defendant No.1(b) by filing his objection by contending that the application filed by the plaintiff is not maintainable under the law. The reasons assigned in the accompanying affidavit is not just and proper. The above defendant No.1(b) has contended that the plaintiff is not diligent in prosecuting this suit. It is only with an intention to further drag on the matter the plaintiff has filed present application at this belated stage. No valid reasons are made out to allow the application. The application being devoid of merits, the defendant No.1(b) has sought for its dismissal.

5. Heard both the sides on IA No.13. Perused the records. After going through the application along with affidavit, objection statement and the relevant documents placed on record, the following points arises for my consideration:

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Point No.1: Whether the plaintiff has made out valid grounds to allow the application?

Point No.2: What order?

6. My answers to the above points are as hereunder:

Point No.1 : In the Negative.

Point No.2 : As per the final orders for the following:

REASONS

7. POINT NO.1: Plaintiff has filed the present suit for the relief of declaration of her title as well as for perpetual injunction as against the defendants. By filing the present application, the plaintiff has sought for reviewing the order dated 14/07/2025 passed by this court on IA No.10 to 12.

8. When the above case was at the stage of cross-examination of Dw.1, the plaintiff had filed I.A.No.10 to 12 to reopen the above case for the purpose of leading the evidence of witnesses as mentioned in the I.A.No.12. After going through the I.A.No.10 to 12 and the materials available on record, on 14/07/2025 this court had dismissed the I.A.No.10 to 12 noting that the affidavits annexed to the I.A.No.10 to 12 are totally silent as to for what reason and to depose on what point the plaintiff is intending to

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examine the witnesses as mentioned in the list annexed to the I.A.No.12. Since, the plaintiff had absolutely not given any reasons as to why is she intending to examine the witnesses as mentioned in the list annexed to the I.A.No.12, this court finding no sufficient reasons, dismissed the I.A.No.10 to 12. It is as against the said order dated 14/07/2025 passed by this court on IA No.10 to 12, the plaintiff has filed the present application to review the said order.

9. The provision of Section 114 as well as the provision of order 47 of CPC states that the court can review its own order only under two circumstances. Firstly, there must be some error or mistake apparent on the face of the records and secondly if some new fact is discovered subsequent to passing of the order in respect of which the review is sought.

10. It is significant to note here that, though the plaintiff has filed the present application for review U/o 47 and Sec.114 of CPC, but the plaintiff has not pointed out any mistake or error apparent on the face of the record in the order dated 14/07/2025 passed by this court on IA No.10 to 12. In the present application even there is no averements either regarding discovery of new facts or regarding any mistake or error apparent on the face of the record in the order dated 14/07/2025 passed by this court on IA No.10

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to 12. Hence, in the absence of discovery of new facts and in the absence of any mistake or error apparent on the face of the record, the provisions of Order 47 of CPC cannot be invoked.

11. Absolutely no valid grounds are made out to review the order dated 14/07/2025 passed by this court on IA No.10 to 12. Hence, the application fails. I do not find any merits in the application. The present application being devoid of merits, the same needs to be dismissed by imposing costs. Accordingly, for what has been discussed above I answer **Point No.1 in the Negative.**

12. POINT NO.2: In view of my foregoing findings and discussions on Point No.1, I proceed to pass the following:

ORDER

IA No.13 filed by the plaintiff U/o 47 Rule 1 R/w
Sec.114 of CPC is hereby dismissed with costs of
Rs.300/-.

(Dictated to the Stenographer, typed by her, and the transcript revised and corrected by me and then pronounced in the open court on this **12th day of September-2025**)

(SMT.ASRINA)
I ADDL. CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR.