

KARN020002452020



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R.A.No.9/2020

I.A filed by the	Appellant
Date of filing of I.A	16.11.2024
Date of filing of Objection	-
Date of Order	23.10.2025

**IN THE COURT OF THE PRL.SENIOR CIVIL JUDGE AND
CJM., AT RAMANAGARA**

Dated:- This the 23rd Day of October, 2025

Present:-

SRI. LOKESHA

B.A., LL.B.,

Prl.Senior Civil Judge & CJM.,
Ramanagara.

R.A.No.9/2020

Appellants :- Sri. Gangaraju

V/s

Respondents :- Sri. Ugraiah



Parties to I.A.

Applicant :- Sri. Gangaraju
- (Appellant)

V/s

Opponents :- Sri. Ugraiah
- (Respondent)

**ORDER ON APPLIATION FILED UNDER ORDER XLI RULE
27 OF CPC., FILED BY THE APPELLANT**

This application is filed by the Appellant Sri. Gangaraju requesting the court to receive the documents as additional evidence.

2. In the affidavit filed accompanying this application, the Appellant Sri. Gangaraju states that this sale deed dated:14.06.1996 executed in favour of grandfather of this appellant late Bhyregowda executed by Lakkaiah with respect to Sy.No.89/1 measuring 39 guntas is necessary in order show that the Plaintiff has



furnished Eastern boundary as road, which is not in exists. It is further states that rectified sale deed dated:23.06.1996 is also necessary, in which survey number is rectified. It is further states that RTC of 39 guntas and copy of the mutation with respect to survey No.89/1 measuring 5 guntas are also necessary to receive as additional evidence. He further states that the father of this appellant has constructed a house in 5 guntas of land in Sy.No.89/1 after having acquired the same through panchayath parikath and in order to prove the same E-Khata documents, photographs and C.D. produced by this appellant are necessary documents. That if this application is allowed no injustice would be caused to the other side. Hence, it is prayed to allow this application.

3. On the other hand Respondent has not filed any objections to this application.

4. This appeal is filed by the defendant/appellant



challenging the correctness of judgment and decree dated 06.10.2017 passed in OS No.351/2011 on the file of petitioner Prl. Civil Judge and JMFC., Ramanagara in decreeing the suit of the plaintiff filed for declaration of title and recovery of possession of 'B' schedule property and permanent injunction. The appellants were the defendants before the trial court. The Plaintiff filed before the trial court for declaration of title with respect to 'B' schedule property and also for recovery of the possession of the 'B' schedule property from the defendant. After recording the evidence and hearing the argument, the trial court decreed the suit of the plaintiff holding that the plaintiff has established his title over 'B' schedule property and granted order of permanent injunction against the appellant. Feeling aggrieved by the said judgment, present appeal has been filed by the appellant/defendant on various grounds.

5. Along with the appeal during pendency of the



appeal on 16.11.2024 appellant had filed an application under Order 41 Rule 27 of CPC requesting the court to receive the documents as additional evidence with the Copy of the sale deed dated:14.06.1966, certified copy of the RTC extract pertaining to Sy.No.89/1 from the year 1986-87 to 2001-02 and copy of the M.R., RTC of Sy.No.89/1 for the year 2024-25, 5 photographs and one C.D. But appellant has not produced rectified sale deed dated:23.06.1966 mentioned as Document No.2 in the list of document. This application was heard along with the appeal on merits and it was ordered to be considered along with the appeal on merits. After hearing the arguments and merits from both sides, along with this application, it is noticed that the additional evidence of appellant on the sale deed dated 14.06.2016, certified copy of the RTC extract from year 1986-87 to 2001-02 and copy of the M.R., 5 photographs and C.D. is very much necessary for the decision of the case, in order to pronounce judgment in



this appeal. It is to be noted that the appellant has not pleaded that in spite of due diligence the documents could not be produced by the appellant before the trial court. However, as per the affidavit filed accompanying the application under Order 41 Rule 27 of CPC, these documents produced by the appellant noted above are very much necessary in this appeal.

6. I have perused the oral testimony of PW.1 and evidence of DW.1 and also documents produced by the Plaintiff before the trial court. Considering the nature of the relief sought for by the plaintiff and evidence available on record and findings recorded by the trial court and the nature of the documents produced by the appellant, which are the certified copy of the sale deed dated 14.06.2016, certified copy of the RTC extract from year 1986-87 to 2001-02 and copy of the M.R., 5 photographs and C.D., this court is of the opinion that in order to pronounce judgment in this appeal, these documents are very much necessary.



Otherwise, it would cause injustice to the appellant. Therefore, the pronouncement of judgment is deferred. Considering the nature of the documents, Considering the documents produced by the appellant, this court is of the opinion that additional evidence on these documents is very much necessary. It is significant to note that for mere for recording of additional evidence on these documents noted above, matter need not be remitted to the trial court, which would cause delay for decision of the dispute. In order to resolve the dispute, without any delay, this court is of the opinion that additional evidence can be recorded by this court itself, in order to prevent delay in disposing the appeal. Therefore, this court come to conclusion that additional evidence can be recorded by this court itself as provided under Order XLI Rule 28 of CPC., Therefore I proposed to pass the following,

ORDER

Application filed by the



appellant under Order 41 Rule 27 of CPC with documents is hereby allowed on cost of Rs.400/- payable to Respondent.

Appellant is permitted to adduce additional evidence before this court itself. Hence, case is to be posted for additional evidence of the appellant on sale deed dated 14.06.2016, certified copy of the RTC extract from year 1986-87 to 2001-02 and copy of the M.R., 5 photographs and C.D. as provided under Order 41 Rule 28 of CPC.,

(Dictated to the Stenographer directly on the computer, corrected, signed and then pronounced by me in the Open Court on this the 23rd day of October, 2025).

(LOKESHA)
Prl. Senior Civil Judge & CJM,
Ramanagara.