



**IN THE COURT OF ADDL. SENIOR CIVIL JUDGE &
JMFC, GUBBI.**

PRESENT

SMT. POORNIMA K. YADAV, B.A. LL.B., LL.M.,

Addl. Sr. Civil Judge & JMFC, Gubbi.

Dated on this the 09th day of April, 2026

ORIGINAL SUIT NO.346/2024

Plaintiff/s : Sri H.S. Ravishankar
S/o H.S. Shivalingappa,
Aged about 54 years,
R/at Hebakka Village,
Kasaba Hobli,
Tumakuru Taluk.

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

- DEFENDANTS: 1.** Sri. C.N. Hanumantharayappa
S/o Late Nagappa,
Aged about 71 years,
- 2.** Sri. Balakrishna T.H.
S/o C.N. Hanumantharayappa,
Aged about 51 years,
- 3.** Smt. Thippamma
W/o Balakrishna T.H.
Aged about 45 years,
- 4.** Sri. T.B. Yogeesh,
S/o Balakrishna T.H.
Aged about 23 years,
- 5.** Sri. T.B. Adithya,
S/o Balakrishna T.H.
Aged about 21 years,



6. Sri Varalakshmi @
T.N. Varalakshamma
D/o Late Nagapa,
Aged about 69 years,

All are R/at M.M.A. Kaval Village,
Chelur Hobli,
Gubbi Taluk,
Tumakuru Distict.

(The defeated No.6 is dead and the
other defended i.e. 1 to 5 are the
legal representatives)

(D1 to D by Sri K.L.D., Adv.,)

PARTIES TO I.A.NO.XV

Applicant : Sri. Balakrishna T.H.

(Defendant No.2)

Vs.

Opponent : Sri H.S. Ravishankar

(Plaintiff)

Provision under the Application	Under Section 151 of CPC
Application Relief sought for	To order to Re-open the case for Scribe of preparation of the sale agreement and call for witness.
The date of the application is filed Interlocutory Application Number	18.03.2026
Interlocutory Application Number	XV



Date of objection filed by the Respondent	23.03.2026
Date of order passed	09.04.2026

PARTIES TO I.A.NO.XVI

Applicant : Sri. Balakrishna T.H.

(Defendant No.2)

Vs.

Opponent : Sri H.S. Ravishankar

(Plaintiff)

Provision under the Application	Under Order 16 Rule 1 and 2 of CPC
Application Relief sought for	Call the scribe of preparation of the sale agreement and call for witness.
The date of the application is filed Interlocutory Application Number	18.03.2026
Interlocutory Application Number	XVI
Date of objection filed by the Respondent	23.03.2026
Date of order passed	09.04.2026

Sd/-
(POORNIMA K. YADAV)
Addl. Senior Civil Judge &
JMFC, Gubbi.



:ORDERS ON I.A.NO.XV & XVI:

When the matter was pending for defendant evidence as last chance, the present applications came to be filed.

2. The defendant No.2 through his counsel filed IA No. XV and XVI seeking to order to Re-open the case for Scribe of preparation of the sale agreement and call for witness and Call the scribe of preparation of the sale agreement and call for witness respectively.
3. The applications are accompanied with the affidavit of the defendant No.2 wherein it is stated that after completion of evidence of plaintiff, matter is posted for defendant evidence. The plaintiff has not examined scribe and the said evidence is necessary for this case as the plaintiff has fabricated the signature of the defendants. As such, it is necessary for the evidence of scribe and witness of the sale agreement. Hence, sought to allow the applications.



4. On the other hand, the counsel for the plaintiff filed objection and contended that the applications are not maintainable and they are liable to be rejected. It is contended that the present applications are filed with ulterior motive as the evidence of plaintiff side is completed and the matter is posted for defendant evidence. The applications are not clear if the defendant tend to examine scribe and witness mentioned in the applications on their side or what they intend to call for the witness for. The defendants cannot dictate terms to the plaintiff. Hence, sought to reject the applications.
5. Heard both the counsel.
6. Upon hearing both the counsel and on perusal of the materials available on record, the point that arise for my consideration is;

***Whether the applications
deserves to be Allowed?***



7. My findings to the above point is in the “**Affirmative**” for the following ;

REASONS

8. Admittedly, the plaintiff has filed this suit seeking relief of Specific performance of agreement of sale dated 13.04.2022 with respect to suit schedule property for sale consideration amount of Rs. 1,00,00,000/- wherein the defendants have received advance sale consideration amount of Rs. 20,00,000/-.
9. The relief sought for by the defendants in IA No. XV is for reopening of the case for evidence of scribe of preparation of the sale agreement and witness of the agreement and in IA No. XVI for calling the scribe of preparation of the sale agreement as witness.
10. The said applications and the affidavit accompanying the applications does not disclose if the defendants intends to examine scribe and



witness of the agreement on their behalf or if they intend to direct the plaintiff to examine the said persons on his behalf.

- 11.** The materials on record discloses that the plaintiff has got examined himself as PW1 and one of the attesting witness of the agreement of sale as PW2. Evidence of PW2 reflects that he has identified the signatures in Ex P1 as per Ex P1(a) to (u). That apart, PW2 is cross-examined at length on two dates of hearing i.e., on 07.01.2026 and 02.02.2026.
- 12.** As per order 18 Rule 1 of CPC the plaintiff has right to begin the evidence and as per Rule 2(1) such evidence is produced by the party having the right to begin shall state his case. As per Rule 2(2) the other party shall than state his case and produce his evidence.
- 13.** As per the said provision of law, evidence of



plaintiff side is completed by examining PW1 and 2 and the plaintiff closed his side of evidence which shows that the plaintiff has given evidence necessary for stating his case. Hence, the plaintiff cannot be directed by the defendants to examine any witness.

- 14.** That apart, the applications of the defendants does not disclose that the witnesses intended to be examined are on behalf of the defendants. In the said circumstances, this court is of the opinion that the frame of the applications itself is bad in law and the above made discussion clearly establishes that the witnesses intended to be called for cannot be on behalf of the plaintiff as he has rested his side of evidence and the defendants are not calling the said witnesses on their behalf. Hence, the applications cannot be allowed. Accordingly, I proceed to pass the following :



ORDER

***IA No. XV Under Section
151 of CPC and XVI Under
Order 16 Rule 1 and 2 are
hereby rejected on costs of Rs.
500/- each.***

(Directly dictated to the stenographer on the computer, printed through steno, corrected by me and then pronounced in the open court on this the **09th day of April, 2026**)

Sd/-
(POORNIMA. K. YADAV)
Addl. Sr. Civil Judge & JMFC,
Gubbi