



**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 03rd day of July, 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. Varalakshmamma
 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.XVII.

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 stage to file application for call for witness
The date of the application is filed Interlocutory Application Number	16.04.2026
Interlocutory Application Number	XVII



Date of objection filed by the Respondent	22.04.2026
Date of order passed	03.07.2026

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

PARTIES TO I.A.NO.XVIII

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 R/w 6 and 7 of CPC
Application Relief sought for	Call for production of documents for verification of the signature of the defendant in E-Stamp application and to issue summons to the witness
The date of the application is filed Interlocutory Application Number	16.04..2026
Interlocutory Application Number	XVIII
Date of objection filed by the Respondent	22.04.2026



Date of order passed	03.07.2026
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Sd/-
(POORNIMA K. YADAV)
Addl. Senior Civil Judge &
JMFC, Gubbi.

:ORDERS ON I.A.NO.XVII & XVIII:

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. XVII and XVIII seeking to order to Re-open the stage to file application for call for witness and production of documents for verification of the signature of the defendant in E-Stamp application and to issue summons to the witness i.e. Chief executive officer/president, Sri. Ramanuja Pattina Souhardha Sahakari Niyamitha, Tumakuru to give evidence and produce documents.



- 3.** The applications are accompanied with the affidavit of the defendant No.2 wherein it is stated that the plaintiff purchased Indian Non Judicial Stamp paper Government of Karnataka, E-Stamp Certificate No. IN-KA94120082924587U, certificate dated 13.04.2022 as purchased by T.N. Balakrishna and Others also being the 1st Party and H.S. Ravishankar being the 2nd Party by paying Stamp Duty of Rs. 500/- paid by T.N. Balakrishna and Others but the defendant No. 2 has not purchased the said document and it is purchased by the plaintiff in the name of the defendant No. 2 for the purpose of creating sale agreement of the suit schedule property. The defendant No. 2 has not filed E-Stamp application before Sri. Ramanuja Pattina Souhardha Sahakari Niyamitha, Tumakuru and in the said document the plaintiff fabricated the



signature of the defendant No.2. The said document is necessary for verification of the signature. 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 in this case evidence of plaintiff is closed and the matter is pending for defendant evidence, at that time the present application are filed and the defendant cannot file application to lead his side of evidence by re-opening the case of the plaintiff. The defendant has to lead his evidence, later he can examine the witnesses after completion of his evidence. The applications are filed only with an intention to drag on the proceedings. 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 “**Negative**” 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. XVII is for reopening of the stage for filing application to call for witness and in IA No. XVIII



for calling the Chief executive officer/president, Sri. Ramanuja Pattina Souhardha Sahakari Niyamitha, Tumakuru as witness.

- 10.** The said applications and the affidavit accompanying the applications does not disclose if the defendants intends to examine Chief executive officer/president, Sri. Ramanuja Pattina Souhardha Sahakari Niyamitha, Tumakuru on their behalf or if they intend to direct the plaintiff to examine the said person 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. The defendants cannot direct the plaintiff to examine any witness.
- 14.** That apart, IA No. XVIII is silent about the documents intended to be summoned for production. Further, the applications of the defendants does not disclose that the witness intended to be examined is 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. XVII Under Section
151 of CPC and XVIII Under
Order 16 Rule 1 and 2 are
hereby rejected on costs of Rs.
1,000/- 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 **03rd day of July, 2026**)

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