



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC AT
GUBBI**

Dated this the 9th day of July 2026

Present:

Sri. KIRAN S.P., B.B.M., LL.B.,
Prl. Civil Judge and JMFC, Gubbi

OS No.165/2014

Plaintiff :- Nagaraju

-V/s-

Defendants :- Paramashivaiah and others

CAUSE TITLE ON IA No.XVII to XIX

Applicant : - Sudhamani N.S. (Lrs. of plaintiff)
(By Smt P.M.P., advocate)
V/s.

Respondents :- Paramashivaiah and others
(By Sri. N.C.G., advocate)

ORDER ON I.A. No.XVII to XIX :

The legal representative of plaintiff has filed IA No.17 U/S 151 of CPC praying to reopen the case of the plaintiff for further chief examination.

02. She has filed IA No.18 U/o 18 rule 17 of CPC praying to recall PW-2 for further chief examination.



03. She has filed IA No.19 U/o 7 rule 14(3) of CPC praying to condone the delay in producing documents.

04. In the accompanying affidavit of all these applications, the legal representative of plaintiff submits that the above case was posted for arguments, she could not able to mark the documents in early stage due to oversight the death certificate of her husband was not marked. So the delay in marking the documents is neither intentional nor deliberate one but for bonafide reason. She has good grounds of defense and now she wants to further chief examine as PW.2 to mark and to prove her case. On these grounds he prays for allow the application.

05. These applications are resisted by the defendant No. 2 and 3 by filing objections. It is the contention of the defendant No.2 and 3 that their applications are not maintainable either in law or on facts and probabilities of the case and it is an unnecessary and time killing applications to protract the proceedings and to dodge the matter and the same are Liable to be set aside in limine in order fill up the lacunas in the chief and cross examination of alleged impleading applicant is completed, The question of filing the above applications does not arise. The applicant had sworn to a false affidavit with untenable facts and hence the same are hereby specifically denied as false. The applicant has not produced any documents well in time only in order to drag on the proceedings. The documents produced by the alleged



legal representatives of the plaintiff are those documents which are in her custody till today which are not produced well in time and she has not averred any proper reasons in the affidavits. The contents and the reasons sworn in the affidavits are all created and concocted for the purpose of creating documents in order suit their convenience after enquiry of alleged impleading applicant is completed. It is settled principle of law that when the real wife Gangamma @ Ganganamma died and their son Hemanth and Ashoka are also demised naturally deceased plaintiff's sister defendant No. 2 and defendant No. 3 are to be transposed as Plaintiffs as his legal representatives and they may be made as plaintiffs against counter parties arrayed as defendants but not to had the alleged impleading applicant Sudha Mani. The father of the plaintiff by name Paramashivaiah (defendant No. 1) was demised on 22.05.2020 leaving behind plaintiff and defendant number two and three as his legal representatives. The plaintiff Nagaraju was demised on 18.04.2020. One Prabhudeva has filed RSA No.282/2013 before Honorable High Court of Karnataka Bengaluru wherein he has filed I.A. No.03/2021 for bringing legal representatives of deceased Paramashivaiah and his son deceased Nagaraju which is pending along with limitation and abatement applications. The result of the I.A. No.03/2021 is binding on this instant case. Hence these applications are liable to be dismissed or kept in abeyance till the disposal of the I.A. No.03/2021 in R.S.A. No.282/2013 and R.S.A. No.798/2016 before the Honorable High Court of Karnataka. There is a counterclaim



application filed by the defendant number two and three claiming properties involved R.S.A. No.282/2013 which is pending before this court, hence these applications are liable to be dismissed for non-joinder of proper necessary parties and necessary properties. On these grounds he prays for dismiss the application.

06. Heard the arguments, perused the records.

07. It is noticed from the order sheet of the case that the enquiry of both side on interim application filed under order 22 rule 3 of CPC was already concluded and the case was posted for arguments on that interim application, at this stage the legal representative of plaintiff come up with these applications and submitting that she could not able to mark the death certificate of her husband in early stage due to oversight.

08. Perused the documents produced by the legal representative of plaintiff, she has produced death certificate of the plaintiff.

09. As far as production of documents is concerned, the decision reported in ***AIR 2010 SCW 1900 (LIC of India V/s Ramapalsingh Bisen)*** is relevant, wherein it is held as under;

Admission of documents may amount to admission of contents but not its truth.



***Contents of documents cannot be proved
by merely filing in a court.***

10. The above decision is sufficient to hold that documents are not proved only because of produce before the court. Mere produce the documents before the court is not admissibility of documents.

11. In the present case, the PW-2 was already chief examined. The reasons assigned by the legal representative of plaintiff are not satisfied. But in the interest of justice and equity the applications are allowed on cost and if the legal representative of plaintiff is permitted to produce the document, no harm and injury will be caused to defendants, since the defendants will get an opportunity to cross-examine the PW-2 on that document which is going to be produce and mark by the legal representative of plaintiff. The present suit is 12 year old case. If the applications are not allowed, it will leads to multiplicity of litigation. Hence in order to avoid further litigation, it is just and proper to allow the applications by imposing cost. Hence looking all these facts, this court proceeds to pass the following;

ORDER

I.A. No.17 filed U/S 151 of CPC, I.A. No.18 filed U/o 18 rule 17 of CPC and I.A. No.19 filed by legal representative of plaintiff U/o 7 rule 14(3) of CPC are hereby allowed on cost of Rs. 300/-



PW-2 is hereby recalled.

(Dictated to the stenographer, transcribed by her, corrected and then pronounced in the open Court on this the 9th day of July 2026)

Sd/-
(KIRAN S.P.)
Prl. Civil Judge & JMFC.,
GUBBI.