

**ITINERARY SITTING AT SENIOR CIVIL JUDGE
HUVINAHADAGALI**

Dated this the 25th day of April 2025

PRESENT

MADHUSUDHANA D.K.
Itinerary Senior Civil Judge
Huvinahadagali

EP. No. 21/2018

Decree Holder : Sri. K. Halappa
S/o Late Siddappa
dead by his LRs
Smt Nagamma and Others

V/s

Judgment Debtor : K. Chennabasappa
S/o Late Siddappa
since dead by his LR's
Harshavardana

**ORDERS ON IA NO.42 UNDER ORDER 8 RULE
1(3)(A) READ WITH SECTION 151 OF C.P.C.**

The Decree Holder has filed the IA No.42 by seeking Permission to produce and mark the Documents as per List dated 28.02.2025.

2. The Applicant Sri K. Basavaraja has filed his Affidavit in support of the IA No.42 by deposing on oath for himself and also on behalf of the other Decree Holders. In brief, he has contended that, the Objector has filed the IA No.16 and when the Case was posted for evidence

of the Decree Holder on the Objectors IA No.16, the Applicant is proposing to produce and mark the List of Documents containing the Orders of the LRM No.584/1974-75 in Rebuttal Evidence. Therefore, he seeks leave of the Court to mark the said Document.

3. The Objectors have filed Lengthy Objections to the IA No.42. In brief, the Objectors have contended that, it is not permissible for the Decree Holders to produce and to mark the above document belatedly and therefore, they pray for rejection of the IA No.42.

4. I have heard arguments and perused the Material placed on Record.

5. The following Points are arisen for my consideration:

POINTS

1) Whether the Decree Holders can be permitted to produce and mark the Document?

2) What Order?

6. Now, My answers to the above Points are as follows:

ANSWERS

POINT NO.1 : In the Affirmative

**POINT NO.2 : As per the final Order,
for the following:**

REASONS

7. **POINT NO.1** : I have already narrated the Case of the Decree Holders and the LR's of Objector at the inception of the above Orders and therefore, to avoid repetition, it is not be reiterated here.

8. As contended by their Counsel in his arguments, the Decree Holders have earlier produced the Photocopy of the Proposed Document. Even if the Decree Holders have not produced the said Document earlier, this Case is now posted for rebuttal evidence on the Objectors IA No.16 and therefore, by rejecting the Objections of the Objectors to the IA No.42, the Decree Holders are entitled to mark the proposed Document in their evidence to defend their rights. Therefore, ***the Point No.1 is answered in the Affirmative.***

9. **POINT NO.2:** For the above discussion, I proceed to pass the following:

ORDER

The IA No.42 is hereby allowed.

Posted for evidence of Dhr on 13.06.2025.

Sd/-

MADHUSUDHANA D K
Itinerary Senior Civil Judge
Huvinahadagali