

**IN THE COURT OF ITINERARY SENIOR CIVIL JUDGE  
HUVINAHADAGALI**

**Dated this the 19<sup>th</sup> day of December 2025**

**PRESENT**

**MADHUSUDHANA D.K**

Itinerary Senior Civil Judge  
Huvinahadagali

**OS No.53/2021**

**Plaintiff: Sri. Beluru Kotrappa**

**V/s**

**Defendant: Sri. Belivigi Channabasappa**

**ORDERS ON IA NO.18**

The Defendant has filed the IA No.18 dated 10.10.2025 under Section 151 of CPC by seeking to set aside the Order dated 19.09.2025 from posting the above Case for Arguments to permit him to examine his three Witnesses by way of issuing Summons to his Witnesses.

2. In support of the IA No.18, the Defendant Sri.B.Channabasappa has filed his Affidavit by deposing on oath. He has contended in brief that, *on the last date of hearing on 19.09.2025, due to oversight he could not examine his Attesting Witnesses and therefore, now, he is filing this Application.* Therefore, the Defendant prays for allowing of his IA No.18.

3. The Plaintiff has filed his detailed Objections and in brief, he has contended that, *the Attesting Witness by name H.Ningappa was died on 21.06.2018 and*

*his Death Certificate is also filed by the Plaintiff.*  
Therefore, the IA No.18 is liable to be Rejected.

4. I have heard the Arguments on IA No.18 and perused the Material placed on Record. The Points that arise for My consideration are as follows:

**POINTS**

**1) Whether the Defendant shows reasons to recall the Case from Arguments to issue Witness Summons?**

**2) What Order?**

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

**ANSWERS**

**POINT NO.1 : In the Negative**

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

**REASONS**

6. **POINT NO.1:** I have already narrated the facts leading up to filing of the above Applications at the inception of the above Orders and therefore, to avoid repetition, the same will not be reiterated here.

7. The Defendant has already examined himself as DW1 and also examined two Witnesses Sri.M.Shankrappa and Sri. Kuri Mallappa as DW2 and DW3. The Plaintiff's Suit is for Specific Performance of Contract based on the Registered Sale Agreement dated 10.01.2017 and in support of his Case, the Plaintiff has examined one of the Attesting Witnesses by name Sri.S.Basavaraj as PW2. The Plaintiff has filed the Death Certificate of another Attesting Witness

Late H.Ningappa by showing his date of death on 05.06.2018. Therefore, the contentions of the Defendant are not tenable as the Court could not procure the Evidence of the another Attesting Witness as he was shown to be died in the Year 2018. Since the Defendant has already examined three Witnesses as DW1 to DW3 and he has already conducted the cross-examination of one of the Attesting Witnesses PW2 in full. Therefore, the Defendant fails to make out any grounds to recall the Stage of the Case from hearing arguments to allow him to examine the Witnesses cited by him. For these reasons, ***the Point No.1 is answered in the Negative.***

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

**ORDER**

***The IA No.18 filed by the Defendant is hereby Rejected as not maintainable.***

***Posted for Arguments on 09.01.2026.***

**Sd/-**

**MADHUSUDHANA D K**  
Itinerary Senior Civil Judge  
Huvinahadagali