

KAVP210000182011



IN THE COURT OF CIVIL JUDGE & J.M.F.C
AT BASAVANA BAGEWADI

Dated this the 15th Day of November, 2025

Present: Sri. Ameet Ghatti, B.A., LLB.,
Civil Judge & JMFC.,
Basavana Bagewadi.

O.S.No.111/2011

PLAINTIFF: Hasanasa S/o Mattesa Ronihal & Another
// Vs. //

DEFENDANTS: Allasab S/o Dadesab Jamadar, since died
through his L.Rs. & Others.

PARTIES IN I.A.No.XIX

APPLICANT/PLAINTIFF NO.1:

Hasanasa S/o Mattesa Ronihal,
Age: 60 years, Occ: Agriculture,
R/o Kubakaddi,
Presently residing at Nandihal,
Tq: Jamakhandi, Dist: Bagalkot.

// Versus //

OPPONENTS/DEFENDANTS:

Allasab S/o Dadesab Jamadar,
Since deceased through his L.Rs.
And Others.

PARTIES IN I.A.No.XX

APPLICANT/PLAINTIFF NO.1:

Hasanasa S/o Mattesa Ronihal,
Age: 60 years, Occ: Agriculture,
R/o Kubakaddi,
Presently residing at Nandihal,
Tq: Jamakhandi, Dist: Bagalkot.

// Versus //**OPPONENTS/DEFENDANTS:**

Allasab S/o Dadesab Jamadar,
 Since deceased through his L.Rs.
 And Others.

i	Provision under which the applications are filed	I.A.XIX – 151 of CPC, I.A.XX - XVIII R.17 R/w Sec.151 of CPC.
ii	Relief sought for	With a prayer to reopen the case and to recall C.W.1 for further cross-examination.
iii	The date on which the applications are filed	01.08.2025
iv	Number of the applications	XIX and XX
v	The date on which the objections are filed by different opponents	02.09.2025
vi	The date on which the order was passed on the said applications	15.11.2025
vii	The application filed by	Plaintiff No.1.
viii	Stage of the suit	For hearing on Court Commissioner's Report.

ORDER ON I.A.NO.XIX AND XX

1. I.A.No.XIX is filed by the plaintiff No.1 under Sec.151 of CPC for reopening of the case and I.A.No.XX under Order XVIII Rule 17 R/w Sec.151 of CPC for recalling of C.W.1.
2. In support of applications, the plaintiff No.1 has filed affidavit wherein he has stated that, in the year 1981 the

partition was effected between himself and his brothers. In the said partition R.S.No.114/1 was fallen to his share and R.S.No.114/2 was fallen to the share of his elder brother and they are in actual possession of the properties. Further stated that, since 1995 to 2009 he was residing at Kolhapur in Maharashtra State and land in question was given to the defendants for cultivation. Taking advantage of the same, the defendant No.1 forged his thumb impression to the alleged Sale Deed and the third persons were appeared in the Sub-Registrar Office and put their thumb impression belongs to himself and his wife. Further stated that, he has not at all put his thumb impression on the alleged Sale Deed. Further stated that, the Court appointed the Court Commissioner to examine the thumb impression on the sale Deed and submitted Report. As per Order the Court Commissioner examined the alleged thumb impression on the Sale Deed and submitted Report. The Report is marked. His Counsel cross-examined C.W.1, but further cross-examination of C.W.1 is very much necessary to prove his case and to come truth before the Court. If the application is allowed, no loss will be caused to the other side, on the contrary,

the plaintiff No.1 will be put to irreparable loss. Hence, prays to allow the applications.

3. On the other hand, the Counsel for the defendant No.2 has filed objections contending that, the applications filed by the plaintiff No.1 are not maintainable, hence liable to be rejected. Further contending that, the Superintendent of Police was appointed as Court Commissioner. As per Order of Court the Superintendent of Police has submitted the records to the Scientific Expert to verify the same on 22.11.2023. Sri. Gurupad Kannolli was appointed as Scientific Expert to examine the documents as per Ex.C-8. He has examined the document and submitted his Report to Superintendent of Police, Bengaluru. Further stated that, in turn he has submitted the records to this Court. Said Gurupad Kannolli is examined as C.W.1. He obtained Certificate in examination of document. Further stated that, the Counsel for the plaintiffs fully cross-examined the Court Commissioner. Hence, again recalling C.W.1 does not arise. Hence, prays to reject the applications.

4. Heard both sides and perused the materials available on record.
5. The following points that arise for my consideration:
 1. Whether the plaintiff No.1 has made out grounds to allow I.A.No.XIX and XX ?
 2. What Order ?
6. My findings to the above Points are as follows:

Point No.1 : In the Affirmative.

Point No.2 : As per final order for the following:-

REASONS

7. **POINT No.1:-** On perusal of records, the plaintiffs have filed the suit for the relief of declaration and possession. After filing of the suit, summons were issued to the defendants. The defendants appeared through their Counsel and filed written statement. Issues were framed. The plaintiffs and defendants led their evidence. When case is posted for further hearing on Court Commissioner's Report, the plaintiff No.1 has filed present applications seeking permission to reopen the case and recall C.W.1. In the applications, the plaintiff No.1 has stated that, further cross-examination of C.W.1 is required to prove his case. On the other hand, it is

contention of the defendants that, C.W.1 is already fully cross-examined by the Counsel for the plaintiffs. Again recalling C.W.1 does not arise. If the applications are allowed, no loss will be caused to other side, on the contrary the plaintiff No.1 will be put to irreparable loss. No doubt some hardship will be caused to the defendants if the applications are allowed. By imposing cost on the plaintiff No.1 will meet the ends of justice. Hence, the plaintiff No.1 has made out grounds to allow the applications. Hence, I answer Point No.1 in the Affirmative.

8. **POINT NO.2:-** In view of the findings on Point No.1, I proceed to pass the following:

ORDER

Applications filed by the plaintiff
U/sec.151 of C.P.C. and application U/O 18
Rule 17 R/w Sec.151 of CPC are hereby
allowed on cost of Rs.2,000/-.

(Dictated to the Stenographer, transcribed and computerized by him, Order corrected and signed by me, then pronounced by me in the Open Court on this the 15th day of November, 2025).

(Ameet Ghatti)
Civil Judge & JMFC.,
Basavana Bagewadi.