

KAVP210007032018



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

Dated this the 20th Day of February, 2026

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

O.S.No.467/2018

PLAINTIFF: Lohita W/o Basalingappa Goudar.

// Vs. //

DEFENDANTS: Shankremma W/o Shivashankreppa
Pyatigoudar And Another.

PARTIES IN I.A.No.XVIII & XIX

APPLICANT/DEFENDANT No.1:

Shankremma W/o Shivashankreppa Pyatigoudar,
Age: 59 years, Occ: Household Work,
R/o Muttagi, Tq: Basavana Bagewadi,
Represented by her GPA Holder by name
Gouramma W/o Mahesh Rampur.

(By Sri. P.M.Kandagall, Advocate)

// Versus //

OPPONENT/PLAINTIFF:

Lohita W/o Basalingappa Goudar,
Age: 54 years, Occ: Household Work,
R/o Nidagundi, Tq: Nidagundi,
Dist: Vijayapura.

(By Sri. M.H.Khasanis, Advocate)

i	Provision under which the applications are filed	I.A.XVIII – 151 of CPC, I.A.XIX – XVIII R.17 R/w Sec.151 of CPC.
ii	Relief sought for	With a prayer to reopen the case and to recall P.W.1 for further cross-examination.
iii	The date on which the applications are filed	22.11.2025
iv	Number of the applications	XVIII and XIX
v	The date on which the objections are filed by different opponents	14.01.2026
vi	The date on which the order was passed on the said applications	20.02.2026
vii	The application filed by	Defendant No.1.
viii	Stage of the suit	For defendant's evidence.

ORDER ON I.A.NO.XVIII AND XIX

1. I.A.No.XVIII and XIX are filed by the defendant No.1 under Sec.151 of CPC and Order XVIII Rule 17 R/w Sec.151 of CPC for recalling of P.W.1.
2. In support of applications, GPA of defendant No.1 has filed affidavit wherein she has stated that, on 06.03.2025 P.W.1 was cross-examined. During cross-examination some important points are not asked to P.W.1. Hence, it is necessary to recall P.W.1. If the applications are allowed,

no loss will be caused to the other side, on the contrary, the defendant No.1 will be put to irreparable loss. Hence, prays to allow the applications.

3. On the other hand, the Counsel for the plaintiff has filed objections to I.A.No.XVIII and XIX contending that, the applications filed by the defendant No.1 are not maintainable, hence liable to be rejected. Further contending that, already P.W.1 has been fully cross-examined by her Counsel. There is no merit in I.As. Hence, there is no need to reopen the case and recall P.W.1. 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 defendant No.1 has made out grounds to allow I.A.No.XVIII and XIX ?
 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 plaintiff has filed the suit for the relief of declaration and injunction against the defendants. 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 plaintiff led her evidence. When the case is posted for defendants' evidence, the defendant No.1 has filed the present applications for reopen the case and recall P.W.1. In the applications, GPA of defendant No.1 has filed affidavit wherein she has stated that, on 06.03.2025 P.W.1 has been cross-examined. During cross-examination some important points are not asked to P.W.1. Hence, it is necessary to recall P.W.1. If the applications are allowed, no loss will be caused to the other side, on the contrary, the defendant No.1 will be put to irreparable loss. Hence, prays to allow the applications.
8. On the other hand, it is contention of the plaintiff that, the applications filed by the defendant No.1 are not maintainable, hence liable to be rejected. Further contending that, already P.W.1 has been fully cross-examined by her Counsel. There is no merit in I.As.

Hence, there is no need to reopen the case and recall P.W.1. Hence, prays to reject the applications.

9. It may be noted that, merely on the ground that P.W.1 has been cross-examined, is not a ground to reject the applications. If the applications are allowed, no loss will be caused to other side, on the contrary the defendant No.1 will be put to irreparable loss. No doubt some hardship will be caused to the plaintiff if the applications are allowed. By imposing cost on the defendant No.1 will meet the ends of justice. Hence, I answer Point No.1 in the **Affirmative**.
10. **POINT NO.2:-** In view of the findings on Point No.1, I proceed to pass the following:

ORDER

Application filed by the defendant
under Section 151 of C.P.C. and application
under Order 18 Rule 17 R/w Sec.151 of CPC
are hereby allowed on cost of Rs.1,000/-.

*(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 **20th day of February, 2026**).*

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