

KAYG030002542024



**IN THE COURT OF THE PRL CIVIL JUDGE AND JMFC., AT  
YADGIRI**

**PRESENT**

**Sri. Arun Chougule,  
B.A.LL.B.[Hons.]  
PRL. CIVIL JUDGE AND J.M.F.C, YADGIRI**

**DATED THIS THE 04<sup>TH</sup> DAY OF FEBRUARY-2026**

**Execution. No.2/2024**

**Decree holder :** Shri.Basalingappa S/o Marthandapa  
Jekker, Age: 52 years, Occ: Agriculture,  
R/o. Balichakra village, Tq: & Dist: Yadgiri.

**(By Sri. N.R.K., Advocate)**

**V/s.**

**Judgment Debtors:** 1. Sri. Shankrappa S/o Hanmantha Jekker,  
Age: 70 years, Occ: Agriculture,  
2. Sri. Janappa S/o Shankrappa Jekker,  
Age: 42 years, Occ: Agriculture,  
3. Sri. Yesappa S/o Shankrappa Jekker,  
Age: 40 years, Occ: Agriculture,  
4. Sri.Aananda S/o Shankrappa Jekker,  
Age: 30 years, Occ: Agriculture,

All are R/o. Balichakra village,  
Tq: & Dist: Yadgiri.

**(By Shri.C.S.M.P Advocate)**

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**ORDER ON IA NO.6 AND 7**

The JDrs have filed IA No.6 U/s 151 of CPC seeking reopen of the matter to lead their evidence and IA No.7 U/o 8 Rule 1A of CPC seeking permission to produce documents.

2. The JDr No.1 has sworn to affidavits in support of the applications stating that the matter is posted for arguments. However, on 09.12.2025, this Court has closed the evidence of the JDrs. Therefore, it is necessary to reopen the matter for evidence of the JDrs as they are producing documents in support of their case. Hence, the JDrs pray to allow the applications.

3. The DHr has filed objections to IA No.6 contending that the application is not maintainable as no valid reason are mentioned therein. That, the DHr had filed suit OS No.135/2020 against the JDrs which came to be decreed on 02.03.2023. However, JDrs willfully disobeyed the terms of the decree and made illegal construction over the suit property. As such, the DHr was constrained to file the present execution petition. It is contended that the JDRs have failed to lead their evidence in spite of giving sufficient time and opportunities.

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That, the JDrs have filed an appeal before Appellate Court after long delay and no interim stay was granted. However, the JDrs are trying to prolong the proceedings without any reason and they have filed the present application with an intention to drag on the matter. Hence, the DHr prays to dismiss IA No.6.

4. Learned counsel for the DHr has submitted that he has no objections to IA No.7.

5. Thereafter, I have heard arguments of learned counsel for both parties and perused the records.

6. The points that would arise for my consideration are as follows:-

1. Whether the applications deserve to be allowed?
2. What order?

7. Having regard to the material on record, this Court proceeds to answer the above points as under:

**Point No.1 :** In the Affirmative.

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

**REASONS**

8. **POINT NO. 1:** The DHr has filed present execution petition under Order 21 Rule 32 of CPC seeking to remove the illegal structure put up by the JDrs over the suit property.

9. The case of the DHr is that he had filed suit OS No.135/2020, which came to be decreed by judgment dated 02.03.2023 granting the relief of permanent injunction restraining the JDrs from putting up any sort of construction over the suit open space. However, after disposal of the suit, the JDrs have illegally put up construction over the suit property in violation of the decree passed by the Court. On the other hand, the JDrs have filed objections denying the averments of the petition.

10. Thereafter, the matter was posted for enquiry. Accordingly, the DHr got examined himself as Pw.1 and examined two other witnesses on his behalf as Pw.2 and 3 and closed his side evidence. Thereafter, the matter was posted for evidence of the JDrs. However, the JDrs did not lead their

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evidence in spite of giving sufficient time and opportunities. As such, evidence of the JDrs was taken as nil and the matter was posted for final arguments. At this stage, the JDrs filed the present applications.

11. The above discussion would show that evidence of the JDrs has been taken as nil as they failed to lead their evidence in spite of giving sufficient time. However, now they are seeking reopen of the matter for their evidence. This Court is of the opinion that, it is just and necessary to afford another opportunity to the JDrs to lead their evidence. No injustice or prejudice would be caused thereby to the DHr. The delay caused by the JDrs can be compensated by imposing terms as to payment of appropriate costs. Hence, the applications deserve to be allowed. Accordingly, point No.1 is answered in the Affirmative.

12. **Point No.2:** In the light of the above discussions, this Court proceeds to pass the following:

**ORDER**

IA Nos.6 and 7 filed by the JDrs  
U/s 151 of CPC and Order 8 Rule 1A of

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CPC are allowed on costs of Rs.1000/- payable to DHr by the JDrs

The matter is reopened for evidence of the JDrs and the documents produced under list dated 19.01.2026 are taken on record.

(Dictated to the Stenographer, transcribed by him, transcript corrected by me and then pronounced in the Open Court this **04<sup>th</sup> day of February, 2026.**)

**(ARUN CHOUGULE)**  
**PRL.CIVIL JUDGE & J.M.F.C.,**  
**YADGIRI.**