



HC-KAR

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 15TH DAY OF APRIL, 2026
BEFORE
THE HON'BLE MR. JUSTICE ASHOK S. KINAGI
WRIT PETITION NO. 101437 OF 2024 (GM-CPC)

BETWEEN:

1. NINGAPPA PAYAPPA ASHTAGI
S/O PAYAPPA ASHTAGI, AGE. 68 YEARS,
OCC. BUSINESS, R/O. UPPINA BETIGERI,
DHARWAD TALUK, DHARWAD 581206

...PETITIONER

(BY SRI. R H ANGADI, ADV)

AND:

1. SRI RAVINDRA V. HAMPIHOLI
S/O LATE VENKATESH H HAMPIHOLI
AGED 74 YEARS, OCC. HOUSEHOLD
2. SANDHYA @ SNEHA]
D/O LATE VENKATESH H. HAMPIHOLI
W/O VYASMUNI DESHPANDE
AGED 64 YEARS, OCC. HOUSEHOLD,

R1 & R2 ARE R/AT. #RM-103, A WING,
FLAT NO. 101, SNEHA VAIBHAV,
CHS, MIDC, DOMBIVILLI EAST,
THANE -421202, MAHARASHTRA.
3. RAJU R REDDY
S/O LATE PRABHAKAR REDDY
AGE. 60 YEARS, OCC. BUSINESS,
4. DINESH R REDDY
S/O LATE PRABHAKAR REDDY
AGE. 58 YEARS, OCC. BUSINESS,
5. ARUN R REDDY
S/O LATE PRABHAKAR REDDY
AGE. 56 YEARS, OCC. BUSINESS,





R3 TO R5 ARE R/AT. REDDY BUILDING,
KOPPA TANK, MAHSTM BASAVESWARANAGAR,
DHARWAD - 580001.

...RESPONDENTS

(BY SRI. IRANAGOUDA K. KABBUR, ADV FOR R1 & R2,
NOTICE TO R3 TO R5 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, THIS HON'BLE COURT BE PLEASED TO KINDLY QUASH OR ISSUE AN ORDER IN NATURE OF WRIT OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 14/02/2024 IN O.S.NO.125/2016 ON THE FILE OF PRINCIPAL CIVIL JUDGE AND PRINCIPAL JMFC, DHARWAD, ORDER ON APPLICATION FILED UNDER ORDER 14 RULE 5 R/W SEC. 151 OF CPC VIDE ANNEXURE-E AND CONSEQUENTLY ALLOW THE APPLICATION FILED UNDER ORDER 14 RULE 5 R/W SEC. 151 OF CPC DATED. 31/1/2024 VIDE ANNEXURE-C BY ALLOWING THIS WRIT PETITION.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

1. The petitioner has filed this writ petition challenging the order dated 14.02.2024 passed in O.S.No.125 of 2016 by the learned Principal Civil Judge and Principal JMFC, Dharwad.

2. Brief facts, leading rise to the filing of this writ petition are as follows:



3. The original plaintiff filed a suit in O.S.No.125 of 2016 seeking delivery of the mortgaged property, discharge of mortgage, and possession. The petitioner/defendant No.4 filed a written statement denying the averments made in the plaint. The matter was set down for the plaintiff's evidence, and the plaintiff led evidence and closed his side. Thereafter, the matter was posted for the evidence of the petitioner/defendant No.4, who also led evidence.

4. When the matter was posted for further evidence of defendant No.4, the petitioner filed an application under Order XIV Rule 5 read with Section 151 of the Code of Civil Procedure (hereinafter referred to as 'the CPC') seeking the framing of additional issues regarding the jurisdiction and Court fee. The said application was opposed by the respondents herein, who are the legal heirs of the deceased plaintiff.

5. The trial Court, after hearing the learned counsel for the parties, dismissed the application vide order dated 14.02.2024. Being aggrieved by the said impugned order at Annexure-E, the petitioner/ defendant No.4 has filed this writ petition.



6. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondents.

7. Learned counsel for the petitioner submits that the trial Court has committed an error in rejecting the application for framing additional issues. He submits that, as per Order XIV Rule 5 of the CPC, an application for framing additional issues can be filed at any stage of the proceedings. He further submits that the trial Court has rejected the application solely on the ground that it was filed at a belated stage. Hence, on these grounds, he prays to allow the writ petition.

8. *Per contra*, learned counsel for the respondents/plaintiffs submits that the petitioner has filed the application for framing additional issues at a belated stage, when the matter was posted for arguments, only with an intention to protract the proceedings. It is further submitted that the trial Court has rightly rejected the application by passing the impugned order. Hence, on these grounds, he prays to dismiss the writ petition.

9. Perused the records, and considered the submissions of the learned counsel for the parties.



10. It is an undisputed fact that the original plaintiff filed a suit for delivery of the mortgaged property and other consequential reliefs in O.S.No.125/2016. The petitioner appeared and filed a written statement. The plaintiff was examined as PW-1, and closed his side, and the matter was thereafter posted for the defendant's evidence.

11. At that stage, when the matter was posted for further evidence of the defendant No.4, the petitioner/defendant No.4 filed an application seeking framing of additional issues. It is also pertinent to note that after the filing of the written statement by the petitioner, the respondents/plaintiffs had submitted draft issues based on the pleadings of both parties on 11.01.2023, and the petitioner did not raise any objections to the draft issues submitted by the plaintiff.

12. Subsequently, the petitioner has filed the application seeking framing of additional issues regarding the pecuniary jurisdiction and payment of court fee when the matter was posted for further evidence of the defendant No.4.

13. The trial Court, on perusal of Ex.D1, executed by Prabhakar Reddy in favour of defendant No.4 on 07.07.1995, has noted that the mortgage amount is ₹40,000/- and that the



valuation and Court fee is to be paid on the deed and not on market value of the property. As the value of the subject matter of the suit is less than ₹5,00,000/-, the Civil Judge (Junior Division) has pecuniary jurisdiction to entertain and decide the suit. Therefore, the trial Court was justified in rejecting the application filed under Order XIV Rule 5 of the CPC.

14. Hence, I do not find any error in the impugned order at Annexure-E. Accordingly, I proceed to pass the following:

ORDER

The writ petition is ***dismissed***.

In view of the dismissal of the writ petition, pending I.As. if any, do not survive for consideration and are accordingly disposed of.

**Sd/-
(ASHOK S. KINAGI)
JUDGE**