

Orders on I.A. No.10 & 11

I.A. No.10 filed under Section 151 of CPC and I.A. No.11 filed under Order 18 Rule 17 of CPC by the claimant No.4 to reopen the case and permit the claimant No.4 to adduce evidence.

The said applications are supported with detailed affidavits of claimant No.4.

The claimant No.1 filed detailed objections to the above applications.

On that basis the point for consideration is as under:

“Whether the claimant No.4 made out sufficient grounds to permit her to adduce evidence?”

Heard the arguments. Perused the materials on record, on that basis, my finding on the above point is in the affirmative, for the following:

REASONS

Point: It is true that when the case is posted for arguments, the present applications filed by claimant No.4 seeking permission to adduce evidence. The objections of the claimant No.1 is

that when the case is posted for arguments, the present applications have been filed in order to drag on the proceedings. The said contention cannot be accepted because evidence of PWs.1 and 2 completed as on 12.02.2025. On 12.02.2025 the claimant No.4 and respondent called out absent. There is no representation, as such, it was taken as no evidence by claimant No.4 and respondent. Thereafter, the case is posted for arguments. Though the case is posted for argument, the claimants 1 and 2 have not advanced any arguments till 20.06.2025. On 20.06.2025 the claimant No.4 filed the present applications. It is relevant to note that this reference is made under Section 77(1) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to determine the title over the acquired property as well as apportionment of compensation. As such, an opportunity has to be given to the parties to prove their title otherwise it may amount to denial of opportunity

to the claimants to prove their case. Further even if the claimant No.4 is permitted to adduce evidence and examine as witness, no prejudice will be caused to other claimants as they have opportunity to cross-examine the claimant No.4. Under such circumstances, these two applications deserve to be allowed and an opportunity has to be given to claimant No.4 to lead evidence. Accordingly, the above point is answered in the affirmative. In the result, I proceed to pass the following:

ORDER

I.A. No.10 filed under Section 151 of CPC and I.A. No.11 filed under Order 18 Rule 17 of CPC by the claimant No.4 are hereby allowed with a specific direction to adduce evidence of claimant No.4 on the next date of hearing without seeking further dates.

For evidence of claimant No.4 by
09.10.2025.

(PADMA PRASAD)
II Addl. City Civil and Sessions
Judge, & Spl. Judge, Bengaluru.

