

Com.O.S.207/2019

Orders on I.A.No.14 and 15

The Advocate for Defendant filed I.A.No.14 under Section 151 of CPC for reopen the order dated 22.08.2025 and permit the Defendant to lead further evidence in this matter.

The Advocate for Defendant filed I.A.No.15 under Order 18 Rule 17 of CPC for recall the order dated 22.08.2025 and permit the Defendant to lead further evidence in this matter.

In the accompanying affidavit it is stated that, on 22.08.2025 the counsel for the Defendant was engaged in another court hall and he instructed the defendant to take pass over in this case. Therefore, he was present before the court and was waiting for the case to be called out however, due to an oversight, he missed out his case in the first round and when he asked the court officer it came to his knowledge that the evidence of the defendant was taken as nil and posted the matter for arguments. Hence, prayed to allow the application.

The counsel for plaintiff submits that no objections to allow the applications.

I have heard both side and perused the order sheet, wherein the case was posted for defendant evidence on 02.12.2024 and defendant counsel was sought a time on 16.12.2024 and 09.01.2025. Subsequently, I.A.No.13 was filed and the case already postponed on 09.07.2025 and I.A.No. 13 was dismissed and the case was posted for defendant evidence. On 15.07.2025 the chief-examination of Dw.1 was completed and case was posted for cross-examination of Dw.1. On 13.08.2025 cross-examination of Dw.1 was concluded. However, the case is posted for further evidence of defendant side. On 22.08.2025 the defendant and counsel were absent and this court has taken further evidence of Defendant side is NIL. It is important to note that, the defendant has not filed list of witnesses and also not present on that day. Though the matter pertains to the year 2019 and defendant has filed this application without any grounds. Therefore, the defendant has not made out any grounds that he has not submitted any list of witnesses. Accordingly, this applications are only dragging the proceedings. Accordingly, I pass the following:

Order

I.A. No.14 and 15 filed by the Defendant under Section 151 of CPC and under Order 18 Rule 17 of CPC are hereby dismissed.

LXXXII ACC & SJ, B'LURU.

Orders on I.A.No.16 and 17

The Advocate for Plaintiff filed I.A.No.16 under Section 151 of CPC for reopen the case from the stage of Arguments and permit the plaintiff to lead further evidence by marking the termination letter dated 04.11.2016 issued by the plaintiff to the defendant and which was produced along with other documents and not marked by oversight.

The Advocate for Defendant filed I.A.No.17 under Order 18 Rule 17 of CPC for recall Pw.1 and permit the plaintiff to lead further evidence by marking the termination letter dated 04.11.2016 issued by the plaintiff to the Defendant and which was produced along with other documents and not marked by oversight.

It is also stated that, this suit was filed by the plaintiff for recovery of Rs. 16,54,91,971/- together with interest @ 9% per annum from the Defendant. However, the defendant has not mark the

termination letter dated 04.11.2016. Therefore, he prays to allow the application.

The Defendant has filed detailed objection stated that, the cross-examination of PW.1 is concluded and application is made only with an intention to protracting the proceedings and such applications cannot be entertained in Commercial disputes at a belated stage. Therefore, he prayed to dismiss the application.

I have gone through the order sheet, the chief-examination of plaintiff witness was commenced on 02.09.2022 and it was concluded on 23.11.2023. Therefore, the plaintiff has not assigned any reason and already sought sufficient time to lead chief-examination. However, by oversight the plaintiff has not mark it amount to a filling lacuna and also to dragging the proceedings. Accordingly, I pass the following:

Order

I.A.No.16 and 17 filed by the Plaintiff under Section 151 of CPC and under Order 18 Rule 17 read with Section 151 of CPC are hereby dismissed.

For arguments by 12.03.2026.

LXXXII ACC & SJ, B'LURU.