

PARTICULARS

i	Provision under which the application is filed	Under Section 151 of CPC and Order XVIII Rule 17 r/w Section 151 of C.P.C
ii	Relief sought for	Re-open the case of the plaintiff and for further evidence of PW-1
iii	The date on which the application is filed	15.02.2025
iv	Number of application	IA No. VII and VIII
v	The date on which the objections are filed by different opponents	-----
vi	The date on which the orders were passed on the said application	25.03.2025

**ORDERS ON I.A No.VII and VIII FILED BY PLAINTIFFS
UNDER SECTION 151 OF CPC AND ORDER XVIII RULE
17 R/W SECTION 151 OF CPC**

The plaintiffs have filed these applications to re-open the case of the plaintiff in order to lead further evidence.

2. In the memo of facts, it is averred that the plaintiffs intend to lead further evidence. On the previous date of hearing, counsel for plaintiff was attending the other Court. Therefore, he could not be present before this Court. If the applications are not allowed, the plaintiffs will be put to great hard ship. Accordingly, plaintiffs prayed to allow the application.

3. Defendants have not filed objections.
4. Heard. Perused the materials available on record.
5. Now the points that arise for consideration are as follows;
 1. Whether the applications deserve to be allowed?
 2. What order?
6. My answers to the above points are as here under:

Point No.1: In the Negative.

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

REASONS

7. **Point No.1:-** Plaintiffs have filed this suit for declaration that they are the joint owners of the suit property and for injunction. They have led evidence. PW-1 has got marked Ex.P.1 to Ex.P.4 documents. Later, case was posted for further chief of PW-1 on 05.08.2024. Till 21.03.2025, several adjournments were taken to lead further chief of PW-1. However, further chief of PW-1 was not led. Therefore, the Court has taken the further chief as

nil and posed the case for cross-examination of PW-1. When the case was posted for cross-examination, plaintiffs have come up with these applications.

8. In order to lead further chief, plaintiffs must have produced some documents. The plaintiffs have not produced any documents. Documents produced by the plaintiffs are already marked. Without further documents, plaintiffs cannot lead further chief. If the plaintiffs intend to lead further evidence, they should have produced the list of witnesses. The list of witnesses is also absent. Therefore, they cannot even lead further evidence.

9. In the memo of facts, it is not mentioned as to how the plaintiffs intend to lead further evidence by calling the witnesses or by producing the documents. The reasons assigned in the memorandum of facts to recall PW-1 for further chief/further evidence are not inspiring. Therefore, plaintiffs have not made out grounds to allow the applications. **Accordingly, Point No.1 is answered in the Negative.**

10. **Point No.2:-** In view of the above discussions, I proceed to pass the following:

ORDER

I.A.No.VII and VIII filed by the plaintiffs under Section 151 of C.P.C and and under Order XVIII Rule 17 of CPC are hereby dismissed.

For cross-examination of PW-1.

Call on 15.04.2025.

**I Addl. C. J. & JMFC,
Belagavi.**