

KABG040028722014



06.01.2027

O.S.No.1316/2014

**ORDER ON I.A.NO.XXII FILED
U/SEC.151 OF C.P.C.**

This application is filed U/Sec.151 of C.P.C. by defendant No.5(c) seeking permission to lead further defendant evidence by setting aside the order taking further evidence of defendants as nil.

2. In the affidavit accompanying the application, the defendant No.5(c) has stated that the present suit is filed by plaintiff for the relief of injunction and declaration and in the year 2020 her husband expired and she came on record as legal heir of her husband i.e., defendant No.5. That the case was posted for arguments when she

appeared in the case and she intends to lead further evidence. That if the present application is not allowed, then she will be put to irreparable loss. On these grounds, the defendant No.5(c) has prayed to allow the present application.

3. The counsel for plaintiff orally objected to the said application on the ground that the defendant No.5(c) has not filed written statement.

4. The following points would arise for my consideration :

i) Whether the application i.e., I.A. No.XXII filed by defendant No.5(c) U/Sec.151 of C.P.C. deserves to be allowed ?

ii) What order?

5. My answer to above points are as under :

Point No.1 : In the Affirmative,

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

REASONS

6. Point No.1 : The plaintiff has filed this suit for the relief of declaration and permanent injunction. It is pertinent to note that on 05.06.2025, since defendant No.5(c) did not file her written statement, the case stood posted for arguments. However, the original defendant No.5 has filed his written statement in the case and as such though defendant No.5(c) has not filed additional written statement after her appearance, she represents defendant No.5 in the case and the written statement filed by defendant No.5 is binding on her. Hence, though the plaintiff has submitted that she cannot lead further evidence without filing written statement, since the original defendant No.5 had filed written statement in the case, this Court deems it fit to provide fair opportunity to defendant No.5(c) to lead evidence in the case. However, in order to avoid

O.S.No.1316/2014

delay in the matter, suitable conditions can be imposed while allowing the application. Accordingly, I answer **Point No.1 in the Affirmative.**

7. Point No.2 : For the above said reasons, I proceed to pass the following :

ORDER

The application i.e., I.A.No.XXII filed by defendant No.5(c) U/Sec.151 of C.P.C. is hereby allowed on cost of Rs.500/-.

The defendant No.5(c) is permitted to lead evidence within next two hearing dates without fail.

For further defendant evidence by 21.01.2026.

**Prl. Civil Judge & J.M.F.C,
Belagavi.**