

12-12-2025:

ORDER ON IA Nos.7 to 9

The applicants/ plaintiffs have filed IA No.7 under Section 151 of C.P.C., praying to reopen the stage of plaintiffs' evidence and set aside the earlier order whereby the evidence of PW.1 is closed.

Further, the plaintiffs have filed I.A. No.8 under Order XVIII Rule 17 R/w. Sec 151 of CPC seeking to recall PW.1 for the purpose of further evidence.

The plaintiffs have filed IA No.9 under Order VII Rule 14 of CPC, praying for permission to produce the documents as enlisted along with the application.

2. All the applications are supported by sworn affidavit of the plaintiff No.1.

3. The counsel for defendant No.1 has submits he has no objection to allowing the

IAs. The remaining defendant No.4 has not filed any objection to IAs, despite sufficient time being granted.

4. Heard. Perused the materials on record.

5. It is contended by the plaintiffs that earlier through oversight they have not produced the documents before the court. There is no any intentional delay in production of these documents and this court has taken there is no further evidence on plaintiffs' side.

6. It is further stated that, the evidence now sought to be adduced and the documents proposed to be produced are essential for proper adjudication of the controversy involved in the suit.

7. It is well settled principle of that, the procedural rules are hand made justice and not its mistress, and a party should ordinarily be accorded an opportunity to place its case fully before the Court, unless

conduct is shown to be willful, negligent or intended to delay the proceedings. In the present case, the plaintiffs have shown the sufficient cause for non-appearance on the earlier hearing date for adduce further evidence.

8. On the other hand, the defendants have not filed any objections to any of the applications. Hence no serious prejudice is shown to be caused to the defendants if the applications are allowed.

9. Furthermore, the recall of PW.1 is sought only for the limited purpose of further examination in respect of production and marking of documents in the evidence. Hence, this Court is the considered opinion that all the applications deserve to be allowed in the interest of justice, subject to reasonable cost so as to avoid unnecessary delay. Hence, I proceed to pass the following;

ORDER

IA Nos.7 to 9 filed by the applicants/plaintiffs are hereby allowed.

The earlier order whereby no further evidence on plaintiffs' side is hereby set aside.

Further the plaintiffs are permitted to produce the documents as enlisted along with the IA No.9, subject to proof and admissibility.

The defendants are at liberty to cross-examine the PW.1, in accordance with law.

The plaintiffs shall complete further evidence within the time to be fixed by the Court.

Call for further chief of PW.1 by 09-01-2026.

Senior Civil Judge,
Bailhongal

