

### **ORDER ON I.A. NO.VI**

1. This application is filed by the defendant No.1 U/sec. 151 of CPC to recall the order dated : 24.02.2020 and permit him for his further evidence.
2. It is stated in the memo of fact that on 24.02.2020 the present case was for further evidence of defendant but on that date the advocate for defendant No.1 had gone to Bagalkot to attend the Bagalkot court. Hence, he could not appeared on that date. It is further stated that on that date further evidence of defendant No.1 was closed. He is having further evidence to adduce in this case. Hence, it is necessary to reopen the case by recalling order dated : 24.02.2020. Hence, he prayed to allow the application.
3. The advocate for the plaintiff orally objected to the application.
4. Heard and perused.
5. The present suit is for permanent injunction. On perusal of order sheet it reveals that on 24.02.2020 the matter was posted for further evidence of defendant. On that date the defendant No.1 and advocate for defendants not appeared. Hence, further evidence was taken as nil and matter was posted for arguments. On the next date itself the present application is filed. Hence, it reveals that there is no any malafide intention on behalf of defendant/applicant. Satisfied with the reason assigned in the memo of facts. To give fullest opportunity to the defendants it is just and proper to

recall order dated : 24.02.2020 and permit the defendant No.1 to lead his further evidence if any. Hence, the following order.

**ORDER**

I.A No. VI filed by the defendant No.1 U/sec. 151 of CPC is allowed.

Order dated : 24.02.2020 is recalled. For further evidence of defendant No.1, finally call on 27.01.2021.

Sd/-

Civil Judge, Banhatti