

OS No. 844/16

COMMON ORDER ON I.A. Nos. 12 AND 13

The plaintiff has filed I.A. No. 12 under Section 151 of the Code of Civil Procedure seeking reopening of the plaintiff's evidence. The plaintiff has also filed I.A. No. 13 under Section 151 of the Code of Civil Procedure seeking recall of PW.1 for the purpose of leading further examination-in-chief and marking certain material documents.

The defendants have filed objections contending that the applications are not maintainable either in law or on facts. It is contended that the applications have been filed at a belated stage when the matter is posted for arguments and that the same are intended only to protract and delay the proceedings. It is further contended that no valid reasons have been assigned for allowing the applications.

Heard the learned counsel for both sides. Perused the applications, objections and records.

Though the applications have been filed at a belated stage and the matter is posted for arguments, the plaintiff contends that certain material documents are required to be produced and marked through PW.1 for proper adjudication of the dispute involved in the suit. In the interest of justice and to afford an opportunity to the plaintiff to place the relevant material before the Court, this Court is of the opinion that the applications deserve to be allowed, subject to payment of

costs so as to compensate the defendants for the delay caused.

Accordingly, the following:

ORDER

I.A. No. 12 filed under Section 151 of CPC for reopening the plaintiff's evidence is hereby allowed on payment of costs of Rs.100/-.

I.A. No. 13 filed under Section 151 of CPC for recall of PW.1 is hereby allowed on payment of costs of Rs.100/-.

PW.1 is permitted to lead further examination-in-chief and produce documents, if any, in accordance with law.

The costs shall be paid to the defendants on or before the next date of hearing.

Call on 20.06.2026 for further examination of PW.1.

Sd/-

**Prl. Sr.C.J & JMFC.,
Devanahalli**