

ORDER ON I.A.No.XI

Plaintiff has filed I.A No.11 under Order 16 Rule 1 and 2 R/w Sec.151 of CPC seeking permission to furnish witness list.

2. Plaintiff No.3 has sworn to an affidavit in support of I.A and contended that she has filed this suit for specific performance of contract against the defendants in respect of the suit schedule property. She has led evidence and now the matter is posted for further plaintiff evidence. At this stage she intends to examine the witnesses to support her case. These witnesses are required to be examined for the proper adjudication of the matter in dispute. If the application is allowed, no hardship or injury will be caused to the defendants. On the other hand if this I.A is dismissed, plaintiffs will be put to great hardship and injury. Hence, prays to allow the application in the interest of justice.

3. Defendants have filed objection and denied entire I.A and affidavit averments as false and further contended that plaintiff has filed this suit in the year 2016 and at that time she ought to have produced the list of witnesses to be examined by her. Plaintiff is examined on 26.07.2022 but, the witness list is filed 17.09.2024 at the belated stage hence the said application is not maintainable. Hence prays to dismiss the application with cost in the interest of justice and equity.

4. The points that arise for my consideration are as follows;

1. Whether I.A.No.XI filed by the plaintiff under Order 16 Rule 1 and 2 R/w Sec. 151 of CPC is deserves to be allowed?
2. What order?
5. Heard affidavit and objection averments and perused the materials placed before me.
6. My findings to the above points are as follows;

POINT No.1 : In the Affirmative

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

REASONS

7. POINT NO.1: Heard and perused the materials placed before me. On its perusal it goes to show that the plaintiff has filed this suit for specific performance of contract. PW.1 has led evidence and now the matter is posted for further evidence and at this stage she has filed I.A No.XI along with witness list showing that she intends to examine one Subramani and Shivanna on her behalf. On perusal of the Ex.P1 is sale agreement it prima-facie goes to show that these 2 witnesses have signed the document and therefore they are required to be examined on behalf of plaintiff in support of her contention and for proper adjudication of the matter in dispute. Defendants have formally filed objection there is no impediment in allowing the I.A. Plaintiff has made out valid grounds to condone the delay in production of the witness list. Accordingly, I.A No.XI deserves to be allowed. The delay caused to the plaintiff is hereby condoned. Accordingly, I proceed to pass the following:

8. POINT No.2: For the aforesaid reasons. I proceed to pass the following;

: ORDER :

I.A.No.XI filed by the plaintiffs under Order 16 Rule1 and 2 R/W sec.151 of CPC., is hereby allowed on cost of Rs.300/-.

For further plaintiff's evidence.

(SHILPA.H.A)

**Senior Civil Judge & JMFC.,
Doddaballapura.**