

OS. 140/2023

**ORDERS ON I.A. FILED UNDER ORDER 18 RULE 17 AND**  
**SEC.151 OF CPC**

The present applications have been filed by the defendant No.2 and 3 when the case was posted for their arguments seeking permission to recall the order by permitting them to lead further evidence of witness.

2. In the annexed affidavit it is stated that, due to some personal inconvenience the defendants did not produced the details of witness as the plaintiffs are influential peoples who have stopped the witnesses from appearing before the court. Further they have filed IA U/o 16 Rule 1 of CPC with witness list. Hence, prays to allow the applications.

3. The plaintiff through their objections denied entire statement of the defendants and further contended that the defendants have not made out any reasonable grounds to allow these applications. For examination of witnesses they have taken sufficient time. When the case was posted for arguments the above applications were filed. In order to delay the proceedings, the above applications have been filed. Hence, amongst other grounds pray for dismissal of applications with cost.

4. Heard arguments, perused the reasons stated in the affidavit annexed to the applications. The suit is filed by the plaintiff against the defendants for the relief of Partition and Separate Possession. In affidavit the defendants stated that after completion of their evidence they have not produced witnesses

list. If the witnesses are not examined they may fail in proving their defense.

5. The plaintiff through their objections denied the statement of defendants and taken a contention that in order to delay the proceedings, these applications have been filed though they have taken sufficient opportunities for examination of witnesses.

6. On perusal of available pleadings and the statement made by the defendants, the suit is filed by the plaintiff for the relief of Partition and Separate Possession. On available records D.W-1 has been examined as marked some documents. Therefore, in order to prove the defense it is just and necessary to accord permission to the defendants for further examination of witness. If the defendants are not allowed they may put to great loss and injustice and it may lead to multiplicity of proceedings between the parties. Therefore, the loss and injury which would be caused to the plaintiff may be compensated by imposing cost. Hence, I proceed the pass the following;

**ORDER**

The I.A. filed by the defendant No. 2 and 3 under Order 18 Rule 17, IA U/sec 151 of CPC and IA U/o 16 Rule1 of CPC are hereby allowed with cost of Rs.5,00/- each.

Accordingly, case is reopened and stage is recalled for the purpose of further examination of witness.

For D/Further evidence by: 18-03-2025.

Senior Civil Judge & JMFC,  
Hosakote.