

IN THE COURT OF THE SENIOR CIVIL JUDGE,
KADUR

Present :- Smt. Sujatha Suvarna B.,
B.Com., LL.B.,
Senior Civil Judge and JMFC, Kadur,
Chikkamagaluru District.

Dated this the 23rd Day of August-2023.

O.S. No.193/2020

Plaintiff : Sri. K.N. Veeranna Gupta,
S/o Late K.V. Narayana Shetty,
Aged about 77 years,
Proprietor of Shantha Electrical,
Electrical Contractor,
D.V.G. Road, Kadur,
Chikkamagaluru district.

(By: Sri. K.S. Renukaprasad, Advocate)

 V/s

Defendant : Sri. S.S. Harish,
S/o Late S.R. Srinivasa Shetty,
Aged about 58 years,
Cement Businessman,
S.V. Rathnaswamy & sons,
M.G. Road,
Chikkamagaluru – 577 101,
R/o Lions Bhavana Road,
Madhuvana Lay-out,
Chikkamagaluru – 577 101.

[By Sri. B. Raju, Advocate]

RANK OF THE PARTIES ON IA NO.VII

Applicant / Defendant : S.S. Harish.

V/s

Opponent / Plaintiff : K.N. Veeranna Gupta.

ORDER ON IA NO.VII

The defendant has filed I.A No.VII, under Section 151 of CPC and prays to reopen the case and permit him to lead the evidence. When the case is posted for arguments of defendant's side, the defendant has filed this application.

2. In support of the application, the defendant has filed affidavit and stated that, due to ill health he is unable to lead his evidence and recently he obtained the necessary documents, now he is ready to lead defence evidence and hence prays to allow the application.

3. Per contra, the plaintiff has filed objection and stated that, the case is posted for arguments, only to drag on the proceedings, he filed this application and hence prays to reject the application.

4. Heard the arguments.

5. The points that arise for my consideration is as follow :

1. Whether the defendant has made out sufficient grounds to allow the application?

2. What order?

6. My answer 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:-** It is the contention of the defendant that, due to ill health he is unable to lead his evidence and recently he obtained the necessary documents, now he is ready to lead defence evidence and hence prays to allow the application. .

8. According to the plaintiff that, the case is posted for arguments, only to drag on the proceedings, the defendant has filed this application.

9. Admittedly, the plaintiff has filed this suit against the defendant for recovery of money. If the application is not allowed it may cause multiplicity of the proceedings. Being a trial court, it is just and necessary to give opportunity to the defendant to lead evidence.

Hence, considering the facts and circumstances, it is fit case to allow the applications with cost. Accordingly point No.1 is answered in the **Affirmative**.

10. **Point No.2** :- In view of the findings on the above point, I proceed to pass the following:

ORDER

I.A.No.VII filed by the defendant,
under Sec.151 of CPC is hereby allowed
with cost of Rs.100/-.

(Dictated to the Stenographer directly on the computer, corrected, initialed and then pronounced by me in open court on this 23rd day of August-2022)

Sd/-
(SUJATHA SUVARNA B.),
Senior Civil Judge, Kadur.

Defendant's evidence, call on:
07.09.2023.