

ORDERS ON I.A.NO.X

The present application filed by the defendant under Order XVI Rule 1 and 2 of Code of Civil Procedure seeking to condone delay in file of this application and to issue summons to the witnesses in the list.

2. The contention raised by the defendant in the said application is that, due to the reason beyond his control, he could not able to file the list of witness within the prescribed time. Further states that, the delay in filing the same neither deliberate nor intentional.

3. On the other hand, plaintiff filed his objection by stating that the application filed by the defendant is only to drag the proceedings and the application is belated one. Hence the present application need not to be filed at this state and prays to reject the application.

4. Heard the arguments of both parties. The learned counsel for plaintiff filed the citation reported on 2002(4) KCCR 2945 in support of his arguments.

5. This is the suit for permanent injunction and mandatory injunction. The present application has been filed by the defendant when the matter has

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been posted for further defendant evidence. On perusal of the application, even though the reason stated by the defendant does not satisfies this court, in the interest of justice and equity this court feels it necessary to allow the application. Hence this court proceed to pass the following;

ORDER

**I.A.No.X filed by the defendant
U/Order XVI Rule 1 and 2 of CPC, is
hereby allowed.**

**The defendant is permitted to
examine the witness.**

**Issue witness summons to the
witnesses mentioned in the list.**

Call on. 19.11.2025

Sd/-

I Addl. Civil Judge & JMFC.,
Mudigere.

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