IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC, KOLLEGALA.

Dated 16th day of July, 2026

M.V.C. No: 267/2021

Petitioner : Basavaraju. V.

Vs.

Respondents : Chandrashekaranayaka & Another

I.A. No: VII

Applicant : Basavaraju. V.

Vs.

Opponents : Chandrashekaranayaka & Another

ORDER ON I.A. No: VII

This IA VII filed by applicant/petitioner under Section 151 of CPC on 23.04.2026 for reopen the case and another IA VIII under Order XVIII Rule 17 of CPC to recall pw1 to adduce further evidence of PW1.

2. In the accompanying affidavit it is stated that the petitioner has produced vehicle repair bills and other documents which are to be marked as exhibits. Therefore recalling of PW1 is very much necessary. As such prays for allow the application.

3. This application is opposed by the respondent No: 2 by filing objection on 04.06.2026 contending this application is filed when the case is posted for judgment which is not permissible. Further it is contended that this application is filed without mentioning valid reasons for recall PW1. It is stated pw1 is not a proper person to produce the invoice bills and he is not a author of the invoice. Hence application is not maintainable. As such if the application is allowed the 2nd respondent will put to loss. Therefore prays for dismissal of the application.

4. I have heard the arguments of both sides and perused the material available on record.

5. The following point arise for my consideration:

1) *Whether the applicant/petitioner has made out a ground to allow the application?*

2) *What order?*

6. My findings to the above point is:

Point No.1: In the affirmative
Point No.2: As per final order for the following:

REASONS

7. Point No.1: This application is filed by applicant for recall PW1 to get it mark invoice bills related to vehicle repair. The same is opposed by the 2nd respondent contending that the petitioner is not the proper person as he is not the author of the alleged documents.

8. It is worth to mention the insurance company cannot validly object to the marking of the repair bills solely on the grounds that the petitioner is not the author of repair invoice bills. The petitioner can certainly mark these documents into evidence as long as they are in their lawful custody and part of the records filed in a accident case.

9. The insurance company cannot object to a document being marked as an exhibit simply because the petitioner is not the author who wrote the bill. Marking the document only proves that the bill exists and has been submitted to the Court.The contents of the bill are a separate matter. The author would be the proper person to cross examine regarding the veracity of the repairs. If the insurance company genuinely disputes the genuineness, necessity or accuracy of the repair costs the remedy lies in their hands. They cannot simply block the document placing before the Court. Instead they have the right to summon the author of the document as a witness to cross examine them.

10. Now coming to the stage, as rightly said the case is posted for judgment. But it is pertinent to note earlier to filing this IA's case is reopened upon the consent of 2nd respondent to file IA VI. When the said IA VI was

pending for disposal these applications came to be filed after getting dismissal of IA VI, as not pressed. Therefore considering all these factors the applicant has made out a ground to allow the applications. Accordingly **point No: 1 is answered in the affirmative.**

11. **Point No.2:** For the aforesaid reasons, I proceed to pass the following:

O R D E R:

The IA VII filed by the applicant/ petitioner under Section 151 of CPC is hereby **allowed**.

No order as to costs.

(Dictated to the stenographer directly on the system, transcribed by her, corrected and then pronounced by me in the open Court on 16th day of July, 2026).

(SUNITHA)
Senior Civil Judge & Addl.
MACT., Kollegala.