

ORDER ON I.A.

The plaintiff has filed this application under Order 16 Rule 1 of CPC, seeking permission to submit the list of witnesses.

In the affidavit annexed to the present application has stated that, the plaintiff was assumed that he has already submitted the list of witnesses but recently it is came to knowledge of him that he has not at all submitted the list of witnesses. Hence the plaintiff prays to allow the application in view of justice and equity.

In counter to the present application the defendants have filed their objection by denying the averments made in the application and contended that, the plaintiff has filed this false and frivolous application with malafied intention to cause the wrongful loss to the defendants and also trying to drag the proceedings of the suit. Further the plaintiff has not filed this application in appropriate time, thereafter the plaintiff and defendants are not one family members and relation, witnesses are relatives of the plaintiff and defendants herein. The said application is a collusive create story and not maintainable in the eye of law. Accordingly sought for dismissal.

Heard both sides and perused materials on record.

This is the suit filed by the plaintiff for relief of declaration and permanent injunction, wherein the plaintiff has filed the

present application seeking to examine the witnesses to substantiate his plaint allegations. On perusal of materials on record, it is apparent that, the plaintiff has not stated sufficient grounds to allow the application but in view of justice and equity it is appropriate to allow the present application to grant fair opportunity to prove the plaintiff's case and in concerned to delay caused by the plaintiff, may allow the application by imposing the adequate costs. Accordingly this court proceeds to pass the following:

ORDER

The IA filed by the plaintiff under Order 16 rule 1 of CPC is hereby allowed on cost of Rs.300/-

Posted for further plaintiff evidence,

Call on 20.07.2026

**Civil Judge & JMFC,
Yelandur.**