

ORDER ON IA-VI to VIII

Sri DSMB Advocate for the plaintiff has filed three IAs for reopen of plaintiff's side evidence by recalling PW.1 with a permission to adduce further evidence by receiving documents by condoning the delay, on the grounds that, the documents filed with IA-VIII are essential to prove his claim, which are recently obtained from public authority. As such, the delay was caused. Therefore, prays to receive the same by condoning the delay and permit the plaintiff to give evidence on that document by recalling PW.1.

On the other hand, Sri. NSM Advocate for the defendants has filed objections to IA-VI and VII separately and objections to IA-VIII separately. In the objections to IA-VI and VII contended that, PW.1 has comprehensively examined already, in order to fill up the lacuna, now come up with some documents which are not at all necessary to adjudicate the matter. If the applications are allowed, it will be caused prejudice and hardship to the defendants. Accordingly, prays to dismiss the IA-VI and VII.

In separate objections to IA-VIII, they contended as contended in objections to IA-VI and VII.

Heard on both the sides and perused the materials on record.

The case is set down for further evidence of plaintiff. At this stage, he has come up with some documents to give evidence by recalling for PW.1. The suit is one for declaration and permanent injunction. The necessity and relevancy of the documents will be considered at the time of merits. It is well settled law that, the Trial Court should give fullest opportunity to the parties to put forth their evidence. So, it would not cause any prejudice to the

defendants as the defendants will get opportunity to cross examine on these documents about relevancy and necessity. Therefore, the objection raised by the defendants in their objection is not acceptable. However, for the delay in filing these applications, it is just and necessary to impose cost on plaintiff of Rs.100/- each. Accordingly, I proceed to pass the following :

-: O R D E R :-

IA-VI to VIII filed by the plaintiff for reopen of plaintiff's side evidence by recalling PW.1 with a permission to adduce further evidence by receiving the document by condoning the delay are hereby allowed on cost of Rs.100/- each.

Consequently, the plaintiff's side evidence is reopened and PW.1 is recalled for further evidence.

The documents filed along with IAs are taken on record.

Pr1. C.J& JMFC., Honnali.