

Case called out.

Both parties absent. N/R from either side.

**COMMON ORDERS PASSED ON IA NO.14 TO 16 FILED
BY THE DEFENDANT NO.1**

Counsel for the Defendant No.1 filed IA No.14 Under Section 151 of CPC, IA No.15 Under Section 151 of CPC & IA No.16 Under Order 8 Rule 1(a) of CPC and prays to reopen defendant No.1 side evidence, Recall Dw-1 to lead further chief examination of Dw-1 and accord permission to produce the documents which are annexed with the IA No.16 in the interest of justice & equity.

2. In support of the IA, Defendant No.1(c)/Dw-1 filed affidavit and stated that he obtained the documents

annexed with IA No.16 on 20/05/2025 from the concerned office/authority which are relevant and necessary to decide the matter in issues involved in this case, as such the said documents are necessary to produce in this case on behalf of LRs' defendant No.1, hence prays to reopen evidence of defendant No.1 and to recall Dw-1 to lead further chief examination. It is stated that if the IAs' not allowed and the reliefs as sought was denied, LRs' of Defendant No.1 are going to suffer irreparable loss and hardship. Hence prays to allow the IAs'.

3. On the contrary, counsel for the Plaintiff submits no objections to allow the IAs'.

4. Counsel appearing for the Defendant No.2 to 10 filed common objections to the IAs' and stated that no proper reasons assigned by the defendant No.1(c) for the purpose of production of documents or recalling of Dw-1. It is contended that matter is already posted for further arguments of the plaintiff side and at this stage in order to plug the lope holes of the defendant No.1's case, an attempt is made of late to produce documents. It is stated that the

Defendant No.1 (c) had the knowledge of existence of the documents which are annexed with the IA No.16, and on the basis of those documents he is prosecuting in OS No. 58/2013 which is now re numbered as OS No.198/2015 on the file of ADDL. Civil Judge Court, Puttur. By contending all these grounds, Defendant No.2 to 10 prays to dismiss the IAs' with cost.

5. Perused the IA No.14 to 16, objections and the material particulars available on record. Below mentioned points arisen for my consideration.,

P O I N T S

1. Whether the Defendant No.1(c) made out grounds to consider the IA No.14 to IA No.16 and grant the reliefs as prayed for ?
2. What Order?

6. Heard Counsel for both parties. Perused the material particulars available on record. My findings to the above points is as hereunder.,

Point No.1: In the Affirmative.

Point No.2: As per the final Order
for the following.,

R E A S O N S

7. POINT No.1: Heard counsel for both parties. Perused the IAs, objections and the other material particulars available on record.

8. This is the suit filed by the plaintiff against the defendants for partition with respect of the suit properties and for Mesne profits. When matter posted for hearing on further arguments on merits, defendant No.1(c) came up with these IAs and sought for reopen the defendant No.1's side evidence, recall of Dw-1 to lead further chief examination & seeking permission to produce the documents which are annexed with the IA No.16.

9. It is the argument of the defendant No.1(c) that the documents which defendant No.1 (c) is intended to produce are the certified copies of the documents which are essential to decide the real controversy between the parties to this suit. It is stated that in order to prove the defense put forth in their written statement, it is essential to produce the documents which are annexed with the IA No.16.

10. Perused the documents which are intends to produce by the Defendant No.1(c), & they are the certified copies of joint

statements of Narayana Poojary and Sheenappa Poojary made in the proceedings KDR. 776/1372, Eye Sketch with index and endorsement prepared in the proceedings KDR. 776/1372, Darkhast application filed by Narayana Poojary, Tahsildar's report submitted to the Assistant Commissioner, Puttur and statement of land lord one Ariga.

11. If defendant No.1(C) is permitted to produce the documents which are annexed with the IA No.16, it is not going to cause any loss or injury to the Defendant No.2 to 10. On the contrary, those are documents which are essential to adjudicate the real controversy between the parties. Further all the parties to this suit would get an opportunity to discredit the documentary evidence which might be led by the Defendant No.1(c) with respect to the documents are concerned. Further In order to avoid multiplicity of the proceedings between the parties to this case this Court opines that permission has to be accorded to the Defendant No.1(c). Defendant No.1(c) made out grounds to consider the IAs & to grant the reliefs as prayed for. Hence, I proceed to answer point No.1 in the affirmative.

12. Point No.2: For the reasons as discussed in Point No.1, I proceed to pass the following.,

ORDER

I.A. No.14 and IA No.15 filed U/S 151 of CPC and IA No.16 filed Under Order 8 Rule 1(a) of CPC by the defendant No.1(c) are allowed on cost of Rs.250/- each.

Delay condoned in filing the list of documents by the defendant side.

Defendant No.1(c) is permitted to file the list of documents and to produce the documents annexed with the I.A No.16.

Defendant No.1's side evidence is reopened & Dw-1 is recalled to lead further chief examination.

For further chief examination of Dw-1. Call on : 19.09.2025

**ASCJ & JMFC,
Putur, D.K.**