

IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE & J.M.F.C., HUBBALLI

Present:

SMT. SARVAMANGALA K.M.,
B.A. LL.B.,
I Additional Senior Civil Judge and JMFC.,
Hubballi.

M.V.C.No.82/2024

Dated this the 06th day of May, 2026

Petitioner/s : Smt. Renuka @ Sharadha W/o
Pruthviraj Kiragi and others.

.Vs.

Respondent/s : K Ganapathi S/o K Ganapathi
Kamath and another.

PARTIES TO I.A. No.I TO III

Applicant : Smt. Renuka @ Sharadha W/o
Pruthviraj Kiragi and others.

.Vs.

Opponent : K Ganapathi S/o K Ganapathi
Kamath and another.

- i. Provision under : I.A. No.I – under Sec.151 of
which application Is CPC.
filed I.A. No.II – under Order

XVIII Rule 17 R/w Sec.151 of CPC.

I.A. No.III -Under Order 16 Rule 1 and 2 R/w Sec.151 of CPC.

- ii. *Relief sought for* : *I.A. No.I & II - seeking to re-open and recall the stage for the purpose of further evidence.*
I.A. No.III – Seeking an order to issue witness summons.
- iii. *The date on which application is filed* : *30.09.2025*
- iv. *Number of the application* : *I to III*
- v. *The date on which objections are filed by different opponents* : *24.10.2025*
- vi. *The date on which orders were passed on the said application* : *06.05.2026*

ORDERS ON I.A. No.I TO III

The counsel for the petitioners have filed I.A. No.I and II under Sec.151 of CPC and under Order XVIII Rule 17 R/w Sec.151 of CPC, seeking to re-open and recall the stage for the purpose of further evidence.

The petitioner has filed one more I.A. under Order 16 Rule 1 and 2 R/w. Section 151 of C.P.C. seeking to summon to The Manager, Puro Wellness Pvt. Ltd.,

B-3703, Kohinoor Square, N.C. Kelkar Marg, Gadkari Chowk, Shivaji Park, Dadar (West), Mumbai-400 028 to give evidence and to produce salary slips of July 2023, August 2023, September 2023, October 2023, November 2023 and December 2023.

2. *On the other hand counsel for respondent No.2 filed objections to this I.A.*

3. *Heard. Perused the pleadings and materials placed on record.*

4. *The point for consideration is, “Whether the applications filed by the petitioner are deserves to be allowed?”*

5. *The above point is answered in the Negative, for the following;*

REASONS

6. *This is the petition filed by the petitioners seeking the relief of compensation due to the death of her husband of the petitioner No.1 under RTA. When the matter is set down for respondent argument, the counsel for petitioner filed the present applications seeking above said relief.*

7. *In the annexed memo of facts it is averred that, the production of salary slips to produce and give evidence with marking as exhibits of salary slips of July 2023, August 2023, September 2023, October 2023, November 2023 and December 2023 and the*

evidence of the officer in this case is necessary for the proper adjudication of the matter, without witness summons said officer may not produce documents nor give evidence and marking exhibits, hence issuance of witness summons as prayed or is necessary. If this I.A. is not allowed, then the petitioner will be put to untold hardship and legal injury. No harm or prejudice shall be caused to her side if this I.A. is allowed. Hence, prayed to allow the application.

8. *On the otherhand, the counsel for the respondent No.2 filed objections and contending that the the contents of the petition are all false, frivolous, vexatious and concocted. The respondent has filed application to fill up the Lacuna in the case. The petitioner has already addressed his arguments on merits. This application is filed at the time when the case is posted for the argument of respondents on merits. This application is after thought to fill up the Lacuna in the case which is not permissible in law. Hence, prayed to dismiss the application.*

9. *On careful perusal of the entire materials available on record, it is noticed to the court that the petitioner has filed these three applications to reopen the case, to recall of the stage for further evidence, and to issuance of witness summons to the above-said witness, to produce salary certificates and produce evidence before the court. The case is posted for arguments. At this stage, the petitioner has filed*

the present applications, contending that the husband of the petitioner was working under Puro Wellness Private Limited, Mumbai and that the manager of the said company is required to be summoned to produce salary slips for the month of July 2023 to December 2023 and to give evidence in that regard.

10. Per contra, respondent No.2 has filed objections contending that the applications are filed highly belated stage only to fill up lacuna in the evidence after commencement of arguments and hence sought for dismissal of the same with costs.

11. It is well settled that this Tribunal has discretionary power to reopen the case and permit additional evidence at any stage in the interest of justice. However, such discretion must be exercised judiciously and not in a routine manner.

12. In the present case, it is not in dispute that the matter is already setdown for arguments. The petitioner has already led evidence. The documents now sought to be produced i.e., salary certificates pertains to specific months and are admittedly within the knowledge and the possession of the petitioner.

13. No satisfactory explanation is forthcoming as to why these documents were not produced at the appropriate stage when the evidence of PW1 was recorded. The contention of the petitioner that the manager is required to be summoned from Mumbai for production of salary slips also does not inspire

confidence. As the said documents are not shown to be beyond the reach of the or control of the petitioner. Summoning an outstation witness at this stage would unnecessarily delay the proceedings.

14. It appears that only after the matter was set down for arguments, the petitioner has come up with these applications, which clearly indicates that the same are filed as an afterthought to overcome the shortcomings in the evidence already placed on record.

15. The Hon'ble Apex Courts have consistently held that reopening of evidence and recall of witnesses cannot be permitted to fill up lacuna or to patch up weak points in the case. If such applications are allowed at this stage, it would defeat the very object of expeditious disposal of motor accident claim cases. In the absence of any valid and sufficient cause, this Tribunal is of the opinion that the petitioner has failed to make up grounds to exercise discretionary power in their favour.

Accordingly, this court is of the opinion that, the applications filed by the petitioners are deserves to be dismissed, hence this court is answered the **Point No.1 in the Negative**. Accordingly, this court proceed to pass the following:

ORDER

The I.A. No.I to III filed by the petitioners under Sec.151 of CPC, under

*Order XVIII Rule 17 R/w Sec.151 of CPC
and under Order 16 Rule 1 and 2
r/w.Section 151 of C.P.C. are hereby
dismissed.*

No order as to costs.

*(Dictated to the Stenographer directly on computer, script corrected
and then pronounced by me in the Open Court on this the **06th day of
May, 2026**)*

sd/-

*(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and JMFC.,
Hubballi.*