

ORDER ON IA No. 24

The Advocate for plaintiff has filed application U/O. 16 Rule 1 and 2 of C.P.C seeking permission of the Court to lead further evidence of witnesses.

Along with application the plaintiff No.4 filed affidavit stating that, to prove their case, the evidence of witness is necessary. In order to decide the rights of the parties involved in this case, the evidence of witness is necessary. Hence, prays to allow the application.

The Advocate for defendant No.4 to 6 filed objection contending that, PW.1 is examined long back. Thereafter, defendant No.1 and 2 have filed written statement and documents at belated stage. The plaintiffs have never gave list of witnesses at earlier stage. After recording evidence of both parties when case is posted for final argument, the present application is filed. The plaintiffs have not shown any sufficient reasons and their evidence is not relevant to decide the case. Hence, prays to reject the application.

Heard. Perused records.

The plaintiffs have filed this suit against the defendants for the relief of partition and separate possession in respect of suit properties. If the plaintiffs having right in the above suit properties, there is no need to seek any declaratory relief in respect of Sale

Deed. Already both side evidence are closed. The case is posted for argument. When the case is posted for argument, at this stage the plaintiff filed this application. The plaintiffs without any reasons drag on the matter since from 2015 by one or other reasons. After completion of both side evidence, this application has been filed. The proposed witnesses are attesting witnesses to alleged Sale Deed. The alleged Sale Deeds are registered documents. The defendant No.1 and 2 who are executor of Sale Deed have not disputed their signature in the alleged Sale Deed. They have disputed about sale consideration amount. The plaintiffs are children of defendant No.1 and 2. Therefore, in order to decide the rights of the parties involved in this case, the proposed witnesses evidence is not required and their evidence is not relevant to resolve the dispute between the parties. Hence, I proceed to pass the following;

ORDER

The application filed by advocate for plaintiff U/O. 16 Rule 1 and 2 of C.P.C. is hereby rejected.

Sd/-

Pri. Senior Civil Judge, Hubballi.