

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.*

**MVC. No.597/2024**

*Dated this the 04<sup>th</sup> day of May, 2026*

*Petitioner : Toufiqsha S/o Husainsha Makandar.*

*.Vs.*

*Defendant : Nabeesab S/o Gareebasab Makandar  
and another.*

**PARTIES TO I.A. No.14 TO 16**

*Applicant/s :* *Toufiqsha S/o Husainsha Makandar.*

*.Vs.*

*Opponent/s :* *Nabeesab S/o Gareebasab Makandar  
and another.*

- i. Provision under which application is filed : I.A. No.14 - under Sec.151 of CPC.  
I.A. No.15 - under Order XVIII Rule 17 R/w Sec.151 of CPC.  
I.A. No.16 – under Order VIII Rule 1(A) of CPC.*
- ii. Relief sought for : For reopen and seeking permission to lead his evidence and seeking condonation of delay in production of documents.*
- iii. The date on which application is filed : 13.03.2026*

- iv. Number of the : 14 to 16 application
- v. The date on which : Nil objections are filed by different opponents
- vi. The date on which : 04.05.2026 orders were passed on the said application

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### **COMMON ORDERS ON I.A. No.14 TO 16**

*The counsel for petitioner has filed three applications for reopen and seeking permission to lead his evidence and seeking condonation of delay in production of documents.*

2. *The respondent No.2 has not filed objections to the I.A. No.14 to 16.*

3. *Heard arguments.*

4. *The following point is arises for disposal off the said applications.*

***“Whether the reliefs sought by the petitioner in the applications, can be granted ?”***

5. *My finding to the above point in the Affirmative, for forgoing;*

### **REASONS**

6. *This is the petition filed by the petitioner seeking compensation for the injuries sustained in the road traffic accident dated:30.01.2024. When the matter is set down for arguments, the petitioner filed the present applications seeking*

*an order to reopen and recall the stage and permission to lead evidence and production of document. The applicant filed his affidavit in support of the present applications and contended that, he was holding a valid and effective driving licence bearing No.DL No.KA28200220012856 issued by Transport Department, valid from 03.09.2022 to 03.02.2038, accident occurred dated:30.01.2024 as on the date of accident. Due to inadvertence and bonafide oversight, despite diligent efforts the driving license could not be produced along with the claim petition at the time of filing or during evidence. The said documents is a material and relevant document which goes to the root of the controversy involved in the case and is necessary for proper adjudication of the issues framed by this Tribunal, particularly with regard to negligence and statutory compliance. It is further submitted that the omission to produce the driving licence earlier was neither intentional nor deliberate but occurred due to circumstances beyond the control of the petitioner, as the document was misplaced and was traced only recently. Hence, these applications and prayed to allow the applications. Admittedly no objections by the other side, but it is a not ground to allow the applications which have been filed belatedly, admittedly amendment application was allowed. In such circumstances production of document and marking of the documents is necessary. Hence if the applications are allowed subject to payment of cost no hard ship would be caused to other side except delay, delay may be compensated by imposing suitable cost to the other side.*

*Therefore, this Court is of the opinion that the applications filed by the petitioner are deserves to be allowed subject to payment of cost and condition and I answer the point in affirmative. Hence, I proceed to pass the following:*

**ORDER**

*I.A. No.14 to 16 filed by the petitioner under Sec.151 of CPC and under Order XVIII Rule 17 R/w Sec.151 of CPC and under Order VIII Rule 1(A) R/w Sec.151 of CPC are hereby allowed on payment of cost of Rs.200/- each.*

*Resultantly, case is reopened and delay is condoned to file documents, and petitioner is permitted to lead their evidence, subject to payment of cost to the respondent no-2 on next date of hearing without fail in default the order passed on I.A. No.14 to 16 stands cancelled automatically.*

*(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the **04<sup>th</sup> day of May, 2026**)*

*sd/-*

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