

The case is posted for arguments today.

Today the advocate for the defendant has filed application IA No.4 U/O. 18 R 17 of R/w sec. 151 of CPC to permit the defendant to lead evidence. And IA No. 5 – u/s 151 of CPC to reopen the case and to set aside the order dated 29/05/2023 and permit the defendant to lead evidence .

Objection is not filed by the other side.

Perused the said IA 4 and 5

Heard both sides.

Hence in order to provide an opportunity to the defendant to disprove the case, in view of the decision of the **Hon'ble SC reported in (2009) 4 SCC 410** the order dated 29/05/2023 is set aside and the defendant is permitted to lead evidence, in the interest of the justice. However the said delay is compensated in terms of costs.

The said IA No. 4 and 5 is allowed on costs of Rs.200/- each.

The defendant No. 1 is present and he is examined as DW-1. He has filed his affidavit in lieu of his examination-in-chief.

For further examination-in-chief DW-1, by : 26-06-2023

Addl. C. J. & JMFC., Ron