

### **ORDERS ON I.A NO.11**

When the case was posted for further evidence on behalf of defendants, the defendant No.1 has filed this application U/o 16 Rule 1 and 2 of CPC dated 04.11.2024.

In the affidavit annexed to the application, it is stated that, the plaintiffs have filed this suit against the defendants for seeking the relief of declaration and permanent Injunction over the suit schedule property. It is necessary to examine the witnesses on behalf of defendants. If the application is not allowed, the defendants will be put to heavy loss, hardship and injury which cannot be compensated in any manner. Hence prayed to allow the application in the interest of justice and equity.

On the other hand, the plaintiffs have filed objection statement and stated that, the application is not maintainable either in law or on facts and filed this application to procrastination and to drag the matter and to harass the plaintiffs to waste the valuable time of the

Court. The defendant is frequently filing applications to harass the plaintiffs. Hence, prayed to dismiss the application with exemplary cost in the interest of justice and equity.

Heard the learned counsel for plaintiff and defendant.

Points for my consideration.

1. Whether application deserves to be allowed?
2. What order?

**6.** Findings of the court to the above points are as under:

Point No.1 : In the Affirmative

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

### **:: REASONS ::**

**Point No.1:** I have already narrated the facts stated in the affidavit annexed to the application and also objections filed by the plaintiffs.

By perusal of records, the plaintiff has filed the suit against the defendants for the relief of declaration and permanent injunction with respect to suit schedule property. The plaintiff in the plaint has contended that, the

suit schedule property was allotted by the Government and Tahashildar has issued title deed infavour of plaintiff. Since then the plaintiff was in possession and enjoyment of suit schedule property by constructing building in the suit schedule property and the same was denied by the defendants. In the present suit, the defendants in order to prove their defense are intending to examine the witnesses stated in the present application. Hence, at this juncture, the court is of the opinion that, it is very much necessary to give an opportunity to the defendants to prove their defense. Hence, point No.1 is answered in the affirmative.

**Point No.2:** As per the following order:-

**ORDER**

I A No.11 filed Under Order 16 Rule 1 and 2 of CPC is hereby allowed on cost of Rs.200/-.

For evidence of witnesses by  
07.04.2025.

II Addl. Civil Judge & JMFC,  
Arakalgud.

