

ORDERS

Heard. Perused the orders passed by the Hon'ble High Court of Karnataka in W.P.No.24489/2015, dated 13.8.2015. The plaintiffs have challenged the order passed by this Court on I.A.No.11 before the Hon'ble High Court of Karnataka. The Hon'ble High Court of Karnataka has allowed the appeal and set-aside the orders passed by this Court on I.A.No.11 and directed the parties to proceed with the suit in the light of observation made in the orders.

Sri P.V., Advocate for plaintiffs has submitted that the defendants have to lead evidence in respect of issue No.2 and the burden lies on the first defendant to prove the issue No.2. On the other hand Sri KAR, Advocate has submitted that in view of the observation made by the Hon'ble High Court of Karnataka, if the plaintiffs submit that they have no evidence on issue No.1, the first defendant is ready to lead evidence.

It is to be noted that according to the contention of plaintiffs' counsel and as per the memo filed by the plaintiffs on 15.9.2015, it goes to show that the plaintiffs have no evidence and closed their case subject to rebuttal evidence. So, in view of the submission made by the counsel for plaintiffs appearing before the Hon'ble High Court of Karnataka, the plaintiffs are satisfied with the pleadings of the defendants for issue No.1 and they have also submitted no evidence on their side. Hence, it is just and correct to

direct the first defendant to lead evidence on issue No.2.
Thus, I proceed to pass the following:

ORDER

In view of the observation made by
the Hon'ble High Court of Karnataka the
first defendant is directed to lead
evidence on issue No.2.

Evidence of Defendant.

by. 02-11-2015.

(E. Chandrakala)
Senior Civil Judge & JMFC,
Arasikere.