

Common Orders on IA Nos.XX and XXI
i.e. applications filed under Section 151
of CPC and under Order 18 Rule 17 of
CPC

These applications have been filed by plaintiff seeking to reopen the case from the stage of argument and permit the plaintiff to lead evidence on her behalf. In the affidavits annexed to these applications, it is stated that, the plaintiff had got the plaint amended and also included Item Nos.5 and 6 of the suit schedule properties. Therefore, the evidence has to be let in and she could not let in evidence at relevant point of time as she is suffering from knee pain and diabetes. Therefore, she was unable to attend court and her counsel in time. Therefore, the matter has been posted for argument. Hence, it is necessary that, the plaintiff has to let in evidence. If the applications are not allowed, the plaintiff would be put to irreparable loss and injury. On these grounds, it is prayed to allow the applications.

On the other hand, the defendants have filed objection by contending that, these applications have been filed only to prolong the matter. Already the plaintiff has taken several opportunities and produced several

documents. Only to suppress the real facts the plaintiff is intending to produce the documents which are not related to this case. The plaintiff has not produced any document to show that she was not keeping well. On these grounds, it is prayed to reject the applications.

Heard on both side. Perused entire record. The plaintiff has taken up the specific contention that, since she was not keeping well, she cannot lead further evidence. No doubt, the defendants have raised several objections. Perusal of entire order sheet and record shows that, already the plaintiff has taken more than sufficient opportunity to lead additional evidence on additional issues. However, this Court being the trial Court, has to give reasonable opportunity to both the parties to prove their case. Therefore, in order to provide fullest opportunity to plaintiff to put forth her case before the Court and to avoid multiplicity of proceedings, this Court feels it necessary to give an opportunity to plaintiff to lead evidence by reopening the case. Further, the inconvenience caused to the other side can be compensated by imposing cost upon the plaintiff. Hence, for proper adjudication of the matter, this court feels it appropriate to allow the applications. Accordingly, this court proceed to pass the following:

ORDER

The applications i.e., IA No.XX and XXI filed by plaintiff under Section 151 of CPC and under Order 18 Rule 17 of CPC are hereby allowed on cost of Rs.500/-.

For Addl. evidence on Addl. Issues by plaintiff.

Civil Judge & JMFC
Holenarasipura