

COMMON ORDERS ON IA NO.X TO XII

1. These are the applications filed by the applicant U/order 18 Rule 17 and section 151 of CPC and order 8 Rule 1(c) of CPC seeking for seeking reopen the case from the stage of arguments and recall the DW-1 for further chief examination by way of production of documents.

2. In the annexed affidavit to the applications has stated that, now the above case is posted for arguments of the defendants. In the previous date of hearing when he was examined before this Honorable court, he have not at all produced a document where in the plaintiff has submitted that she is the wife of Siddappa of Seelanere. This is an important document to prove that she is not the wife of his father Thammanna. Hence this application to produce the same before this Hon'ble court. Even though if this application is allowed condoning the delay if any in producing it, by this Hon'ble court neither injury nor hardship causes to the plaintiff. On the other hand the same facilitates this Hon'ble court for rendering justice to the parties. If the applications are not allowed he having irreparable loss and injury, if allowing this application no harms will caused to the other side.

3. Interaila the opponent have filed objection to the above said IA's where in they contended that, the applications which filed by the applicant are not maintainable under law or facts. And the defendants were taken more opportunity to lead their evidence. And even the defendants having knowledge about the said document intention he did not produced at the stage of

their evidence and when the case is posted for arguments now he filed above said application only with an intention of drag on the proceedings. There is no reasonable grounds to allowing this application. On these grounds defendant pray for rejection of the application.

4. On the basis of aforesaid the rival contention of the parties and material placed on record the following points would arise for my consideration.

1. Whether the applicant has made out ground for allowing this application?

2. What order?

5. Heard. Perused the material on record.

6. My finding to the above said points are as under:

Point No.1: In the Affirmative

Point No.2: As per the final

order for the following:

REASON

7. Point No.1: The plaintiff has filed is the present suit for the relief of Partition and Separate Possession. On perusal of the entire record the above said suit filed in the year of 2014 and the plaintiff and defendants had sufficient opportunity to led their evidence. The applicant submitting that in the previous date of hearing when he was examined before this Honorable court, he have not at all produced a document where in the plaintiff has submitted that she is the wife of Siddappa of Seelanere. This is an important document to prove that she is not the wife of his father Thammanna. The

court should give sufficient opportunity to the parties to lead their evidence. In the consider opinion of this court that the application is deserves to allowing with imposing proper cost with the intention of avoid the multiplication of proceedings, and only with the intention of give one more opportunity to the applicant. And if the application is allowed no harm will caused to the other side. **Accordingly I answer the point No.1 in the Affirmative.**

9. Point No.2: For the aforesaid reasons and finding on the point No.1, I proceed to pass the following:-

ORDER

IA Nos.X to XII filed by the applicant/defendant U/Order XVIII Rule 17 read with section 151 of CPC, U/order 8 Rule 1 (c) of CPC and U/sec.151 of CPC are hereby allowed on cost of Rs.500/- each.

For further chief of DW-1 by:

**Civil Judge & JMFC.,
K.R.Pete.**