

**IN THE COURT OF PRINCIPAL CIVIL JUDGE AND J.M.F.C, AT
NAGAMANGALA**

PRESENT:

Sri. Shivaraju H.S.
B.A.Law. L.L.B.,
Prl. Civil Judge and J.M.F.C,
Nagamangala.

DATED THIS THE 18th DAY OF NOVEMBER, 2025

Original Suit No.322/2015

Plaintiff : Deveeramma, dead
by her Lrs.

Versus

Defendants : Prakasha and others.

PARTIES IN IA No.XV AND XVI

Applicant : K.R.Krishnamurthi

.... Plaintiff No.7

(By Sri.N.S.R., Advocate)

Versus

Opponents : Prakasha and others.

.... Defendants

(By Sri.L.S.S., Advocate)

ORDERS ON IA No.XV AND XVI

The applicants/plaintiffs have filed these applications under Order XVIII Rule 17 of CPC and Section 151 of CPC seeking reopen the case for further evidence of plaintiff on behalf of plaintiff.

2. The applications are appended with the affidavits of plaintiff No.7. In the affidavits it is stated that, the plaintiffs have filed the suit against the defendants for the relief of permanent injunction in respect of suit schedule property. The case is posted for arguments. Due to ill-health, the LRs of plaintiff have not adduced any evidence. If the applications are not allowed, it would cause irreparable loss to the plaintiff. On the other hand, if the application is rejected, untold hardship will be caused to the LRs of plaintiff. Therefore, it is prayed for re-open the case for further evidence of plaintiff on behalf of LRs of plaintiff.

3. The opponents/defendants have filed objection by contending that, the case is posted for arguments. The plaintiff intentionally filed these false applications just to drag on the

proceedings. Already, sufficient opportunities provided to the plaintiff. In spite of such, the LRs of plaintiff have not adduced any evidence. Once case is posted for arguments, same cannot be reopened. As such, applications are not maintainable. Hence, Hence, it is prayed to reject the application.

4. Heard the arguments on both sides.
5. Upon hearing arguments and on perusal of materials placed on record, the following points arise for consideration:-

POINTS

1. Whether the LRs of plaintiff have shown valid grounds to re-open the case for further evidence?
 2. What Order?
6. My findings to the above Points are as under:-

Point No.1 : In the Affirmative,

Point No.2 : As per final order for the following:-

REASONS

7. **Point No.1**:- The plaintiff has filed this suit for the relief of permanent injunction.

8. Herein the case, the LRs of plaintiff have filed applications and sought for re-opening the case for further evidence.

9. On looking to the averments made out in the applications and also affidavits the reasons assigned therein are appears to be genuine. If the LRs of plaintiff are not permitted for further evidence, definitely it would amount to curtail their liberty to put forth their case and it would amount to violation of natural justice, and also would amount to miscarriage of justice. In other words, this court is of the opinion that if the opportunity is afforded to the LRs of plaintiff, no hardship or loss would be caused to the other parties to the suit. Therefore, in the interest of justice and equity this court is of the opinion that it is just and proper to permit the LRs of plaintiff to lead further evidence. However, on looking to oldness of the case and grievance of the defendants, it is necessary to impose cost. ***Hence, this court answered the point No.1 in the Affirmative.***

10. **Point No.2:-** In view of the reasons assigned in above, this court proceed to pass the following:-

ORDER

I.A.No.XV filed by the applicants/LRS of the plaintiff under Order XVIII Rule 17 of CPC and I.A.No.XVI filed under Section 151 of CPC are hereby allowed on cost of Rs.800/-, which shall be payable by the plaintiff No.1(a) to 1(h) at Rs.100/- each to the defendants.

Accordingly, plaintiffs are permitted to lead further evidence.

(Dictated to the Stenographer directly on the computer typed by him, corrected and pronounced by me in the open court on this the **18th day of November, 2025**).

(Shivaraju H.S.)
Prl. Civil Judge & JMFC.,
Nagamangala.