

**ORDERS ON APPLICATIONS FILED BY THE
DEFENDANTS UNDER SECTION 151 OF C.P.C.
AND UNDER ORDER 8 RULE (1) OF C.P.C.**

This is the suit filed by the Plaintiff seeking recovery of Rs.39,00553/- with interest from the Defendants in which on 18.06.2025 when the matter was posted for Defendant's evidence the Defendant's counsel requested for adjournment, but by rejecting his request this Court has closed the evidence and posted the matter for arguments. Now the Defendant's counsel has filed the application under Section 151 of C.P.C. seeking to Re-open the stage and under Order 8 Rule 1(a)(3) of C.P.C. seeking permission to produce documents contending that on last date of hearing the Defendants' representative was out side Mysuru. Hence, he could not meet his advocate. As Defendants representative is assigned to move to different offices, banks and departments for settling all quarries and settlements on behalf of the Defendants, he was unable to appear before the

Court on earlier occasions. Hence, it is necessary to permit the Defendants to produce evidence and documents. Further as the Defendants have taken contention of limitation they want to produce details of the case.

2. To this application the Plaintiff's counsel filed objection stating that in spite of sufficient opportunities granted by this Court the Defendants have failed to produce evidence. Now with an intention to protract the proceedings they filed the application. Hence, application filed by the Defendants is liable to be rejected.

3. On perusal of the records, it appears that this is the suit filed in the year 2017 and in July 2022 only matter was posted for Defendant's evidence, but due to interim applications filed by the Defendants matter got adjourned from time to time and from March 2025 4 adjournments were granted for producing Defendants' evidence, even

after that also the Defendants have failed to produce evidence. By considering the same on 18.06.2025 Defendant evidence is closed. However, in order to provide another opportunity to Defendants it is decided to allow the applications by imposing cost and conditions. Hence, following:

ORDER

The applications filed by the Defendants under Section 151 of C.P.C. and under Order 8 Rule 1(A) (3) of C.P.C. are allowed on payment of cost of Rs.1,000/- with condition that from now on words the Defendants have to produce their evidence on day to day basis without seeking unnecessary adjournments.

For Defendants evidence. Call
on : 15.07.2025.

(MALLANAGOUDA)
II Addl. District & Sessions Judge,
Mysuru.