

KAMS310001242013



IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC, HUNSUR

:PRESENT:

**SMT. NAMRATA S HOSMATH, B.A., LL.B.,
I ADDL. CIVIL JUDGE & JMFC,
HUNSUR.**

DATED THIS THE 10TH DAY OF AUGUST, 2026

O.S. No.206/2013

<u>PLAINTIFFS:</u>	Thammaiah – Dead by his Lrs., Yashodha & others
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// Vs //

<u>DEFENDANTS:</u>	Jayamma & others
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PARTIES TO I.A. NO.XIII to XV

APPLICANTS	:	Yashodha & others plaintiffs
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V/s

OPPONENTS	:	Jayamma & others defendants
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i	Provision under which the application is filed	Under order XVIII Rule 17 R/w sec.151 of CPC, u/sec.151 of CPC & under order 16 Rule 1 & 2 of CPC.
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ii	Relief Sought for	Re-opening of the case and condone the delay.
iii	The date on which the applications are filed	30.06.2026
iv	Number of the applications	XIII to XV
v	The date on which the objection is filed by opponent	21.07.2026
vi	The date on which the order was passed on the said applications	10.08.2026

ORDERS ON IA NO.XIII TO XV

The plaintiff has filed IA.No.XIII under sec.18 Rule 17 R/w section 151 of CPC, IA No.XIV under sec.151 of CPC and IA.No.XV under order 16 rule 1 & 2 of CPC for the purpose of adduce evidence.

2. In the affidavit annexed to the applications, it is stated that, the plaintiff has filed this suit against the defendants for the relief of partition and separate possession. Further averred that, the said witnesses are very much necessary for effective adjudication of the suit. The non filing of the applications was not intentional. If the applications are not allowed he will be put great hardship and inconvenience. Accordingly, prays to allow the applications.

3. The defendant No.4 has filed common objections contending that the application filed by the plaintiff is not maintainable either in law or on facts. It is further stated that,

the applications are filed when the case was posted for arguments. The plaintiff has filed these applications only to drag the proceedings. Accordingly, prays to dismiss the applications.

4. Heard on both sides. Perused the materials available on record.

5. The following points that arise for my consideration are:-

(1) Whether the applications deserve to be allowed?

(2) What Order?

6. My answers to the above points are as follows:

Point No.1 : In the Affirmative

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

REASONS

7. **Point No.1:-** The suit is for partition and separate possession. It is not disputed by either of the parties that the matter is posted for arguments.

It is borne in mind that the plaintiff sought to recall and re-open the stage for further chief of PW.1 and for adducing additional evidence. It is trite in law that, both the parties have to be heard, accordingly it is necessary to allow plaintiff to

adduce his evidence. If the applications are rejected, the plaintiff will not get an opportunity to prove his case and his evidence may aid the court in adjudication of the matter. Therefore, one more opportunity has to be given to the plaintiff to re-open the stage. As the matter was posted for arguments and the present applications are filed at belated stage, it would be reasonable to impose cost. Therefore, this court is of the opinion that the application deserves to be allowed. Accordingly, **Point No.1** is answered in the **Affirmative**.

8. **Point No.2:-** In view of the discussion and conclusion arrived at Point No.1, this court proceeds to pass the following;

ORDER

I.A.No.XIII to XV filed by the plaintiffs
are hereby allowed on cost of Rs.300/-
each. Witness list is taken on record.

Case is reopened and stage is recalled
for the purpose of further chief of PW.1 and
for adducing further plaintiff evidence.

(Dictated to the Stenographer on Computer, typed by her on Computer, revised, corrected and then pronounced by me in the open Court on this day, the **10th day of August 2026**)

(Namrata S Hosmath)
I Addl. Civil Judge & J.M.F.C.
Hunsur.