

KAMS310003692017



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 09TH DAY OF FEBRUARY, 2026

O.S. No.115/2017

<u>PLAINTIFFS:</u>		Meenakshamma & others
---------------------------	--	-----------------------

// Vs //

<u>DEFENDANTS:</u>		Dayananda T.R. & others
---------------------------	--	-------------------------

PARTIES TO I.A. NO.VII to IX

APPLICANT	:	Bharathi plaintiff No.3
------------------	---	--------------------------------------

V/s

OPPONENT	:	Dayananda T.R. & others defendants
-----------------	---	--

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 R/w section 151 of CPC.
ii	Relief Sought for	Re-opening of the case and condone the delay.

iii	The date on which the applications are filed	29.06.2026
iv	Number of the applications	VII to IX
v	The date on which the objection is filed by opponent	09.07.2026
vi	The date on which the order was passed on the said applications	09.07.2026

ORDERS ON IA NO.VII TO IX

The plaintiff No.3 has filed IA.No.VII under sec. 18 Rule 17 R/w section 151 of CPC, IA No.VIII under sec.151 of CPC and IA.No.IX under order 16 rule 1 & 2 r/w sec.151 of CPC for the purpose of adduce evidence.

2. In the affidavit annexed to the applications, it is stated that, the plaintiffs have 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 she will be put great hardship and inconvenience. Accordingly, prays to allow the applications.

3. The defendant No.2 has filed objections contending that the application filed by the plaintiff No.3 is not maintainable either in law or on facts. The case is of the year 2017. Further contended 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 plaintiffs sought to re-open the stage for plaintiff evidence. It is trite in law that, both the parties have to be heard, accordingly it is necessary to allow plaintiffs to adduce their evidence. If the application is rejected, the plaintiffs will not get an opportunity to prove their case and their evidence may aid the court in adjudication of the matter. Therefore, one more opportunity has to be given

to the plaintiffs to re-open the stage. 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.VII to IX filed by the plaintiff No.3 is hereby allowed. Witness list is taken on record.

Case is reopened and stage is recalled for the purpose of 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 **09th day of July 2026**)

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