

COMMON ORDERS ON I.A NO.18 TO 20

The Plaintiff has filed application U/s 151 of CPC to reopen the case for further plaintiff evidence and filed another application U/o 18 Rule 17 r/w Sec.151 of CPC to recall the stage to lead further evidence i.e., to bring PW.3 for the purpose of leading further evidence and also filed another application U/o 16 Rule 1 and 2 r/w Sec.151 of CPC to condone the delay in filing the list of witnesses and dispose the case on merits in the interest of justice and equity. The said applications are annexed with affidavit and memo by submitting that there is typographical error in I.A No.19 and the same needs to be considered as PW.3 instead of PW.2.

2. On the other hand, the learned counsel for the defendant No.5 has submitted no objection for the memo and filed objection for the I.A No.18 to 20 by submitting that, when the matter is posted for further evidence of defendants side, the plaintiff has filed the present application however they have taken sufficient opportunity and the said application is filed to drag on the proceedings. Hence, prays to dismiss the applications with heavy costs.

3. Matter is heard on both the sides.

4. When the entire order sheet is perused, it clearly reflects that the matter is of the year 2009 and the suit is for the relief of partition and sufficient time has been given to the plaintiff to lead their further evidence. However, the same was not utilized. Now when the stage was kept for leading further evidence by defendants the present applications are filed. However, at this stage after prolonged sequence of trial the matter is now reaching to its final venture. Hence, th is court is of the opinion that, if the applications are considered at this stage itself the same would avoid multiplicity of proceedings and further delay. However, the plaintiff filing the said applications at the subsequent stage when the defendants are ready to lead their further evidence clearly shows that, they have caused delay. Hence, the said defendants have to be compensated for the same for which the costs has to be imposed on the plaintiff in this regard. Hence, with the said observation this court proceeds to pass the following:

ORDER

The application No.18 to 20 filed by plaintiff is hereby allowed on costs of Rs. 300/- and as final chance with no adjournment in this regard.

The witnesses are directed to keep present with no delay.

For further plaintiff evidence by 05.08.2025

**Sd/-
I A.C.J & JMFC, Kanakapura.**