

COMMON ORDERS ON I.A.No.11 to 13

The defendant No.7(b) has filed the I.A.No.11 U/S.151 of C.P.C., to reopen the above case to lead evidence of defendant No.7(b), I.A.No.12 U/O.18 Rule 17 r/w. 151 of C.P.C., with a prayer to be pleased to recall the order dated: 15.06.2026 and also application U/O.VIII Rule 1(A) r/w. Sec.151 of C.P.C., to permit the defendant No.7(b) to produce the documents as mentioned in the I.A.

2. The copies of I.As., were served to the other side. The plaintiff counsel has filed the detailed common objections and resisted the I.As., filed by the defendant No.7(b).

3. Heard arguments of both sides.

4. On perusal of the rival contentions and other materials placed on record, the following points that would arise for my consideration are :

1) Whether the I.A.No.11 to 13 filed by the defendant No.7(b) are deserve to be allowed?

2) What order?

5. My findings on the above points are as follows :

Point No.1 : In the Affirmative,

Point No.2 : As per the final Order,

for the following:

REASONS

6. **POINT NO.1:-** When the matter is set down for arguments on merits, at this stage the defendant No.7(b) has moved these I.As., to reopen the above case for defendant No.7(b) and to permit them to produce the documents. It is the urge of the defendant No.7(b) that, he could not produce the documents require for this case to lead evidence to his counsel, hence his counsel has not prepared the evidence. Hence, this Court taken the evidence of defendant No.7(b) as nil. The documents produced by the defendant No.7(b) along with I.A., are very much necessary to defend the case of the defendant No.7(b).

7. On the other hand, the plaintiff contended that, the defendant No.7(b) has not made out any valid grounds to allow the I.As., and moreover the defendant No.7(b) has filed the instant I.As., only to drag the proceedings and to kill the precious time of this Court.

8. On perusal of the materials placed on record, admittedly it is a suit for declaration and injunction in respect of suit schedule property. To defend the case of the defendant No.7(b), it very much necessary to give an opportunity to the defendant No.7(b) to lead his side evidence and also to permit defendant No.7(b) to produce the documents to defend his case. Under these facts and circumstances, one more opportunity would be given to the defendant No.7(b) for his evidence and to recall him and also permitting him to produce the document by imposing cost, it would meet the ends of justice. The said documents may be taken on record subject to relevancy of proof. If these I.As., are allowed, there is no hardship caused to the other side. For considering all these reasons, I answer point No.1 in the 'Affirmative'.

9. **POINT NO.2:-** In view of my findings on Point No.1, I proceed to pass the following :

ORDER

I.A.No.11 to 13 filed by the defendant No.7(b) are hereby allowed on payment of cost of Rs.300/- each.

The case is reopened for defendants' evidence by 27.06.2026.

**(SHIVAKUMAR.R)
ADDL. SR. CIVIL JUDGE &
J.M.F.C., MAGADI.**