

orders on IA No. 7 to 9.

The defendant has filed IA.No.7 under 151 CPC, 8 under 18 rule 17 CPC, and 9 U/o 8 rule 3A CPC, seeking to reopen the case to the stage of further evidence of defendant and recall the DW-1 for further chief examination and to take the additional documents on record.

In the affidavit accompanying the above application, it is stated that, due to oversight, the defendant could not have produced the additional documents when he was examined in chief. The documents sought to be produced are very crucial for

the adjudication of the lis. If those documents are not taken on record by condoning the delay, the same would result in miscarriage of justice. Hence, the aforesaid applications.

The plaintiff has filed objection contending that, though the enough opportunity was granted to the DW-1 to produce the document and get those marked, the defendant did not do so. Only to protract the proceedings, the present applications have been filed. Moreover, the documents relating to the alleged suit for specific performance are not at all related to the case at hand. That being the case, the defendant prayed for dismissal of the application.

Heard and perused.

The present suit is for the relief of cancellation of GPA. The defendant has contested that he has been in the possession of the suit schedule property on the basis of the sale agreement. Since the defendant has set up his defense stating that, he has been in the possession of the suit schedule property, the relevancy of the documents sought to be produced cannot be

adjudicated at this stage of the matter, rather it is a matter of appreciation of evidence.

If the documents are taken on the record, of course there will be a delay in disposal of the suit. However, the delay cannot be a sole criterion for abrogating the defendant's opportunity to produce evidence. That being the case, this court is of the view that the delay can be compensated by imposing appropriate costs. Accordingly, this court proceeds to pass the following;

order

IA No.7 to 9 filed by the defendant U/s 151, 18 rule 17, 8 rule 1A-3 is allowed on cost of Rs.500/-.

The DW 1 is recalled for further chief examination.

For further chief examination of DW.1
29.06.2026.

I Addl. Civil Judge and JMFC.,
Shikaripura