

ORDERS ON IA NOS. 7 TO 9 FILED BY THE PLAINTIFF U/S 151, U/O 18
RULE 17 AND U/O 16 RULES 1 AND 2 OF CPC

These 3 Interim Applications have been filed by the plaintiff by praying this court to reopen the case of the plaintiff, to recall the stage for further evidence of plaintiff and to condone the delay in filling of the list of witness.

It is stated in the affidavit filed in support of all three applications, that, the plaintiff has filed this suit against the defendants for the relief of declaration and permanent injunction with respect to suit schedule property. Now the case is posted for hearing of arguments on merits. Now the plaintiff is intending to examine one witness on his behalf. Recently the witness gave consent to appear before the court to lead evidence. Accordingly he has filed these IAs.

On the other hand, the defendants have not filed objection to these IAs.

I have heard the learned counsel for plaintiff on these IAs.

-.REASONS:-

This is the suit filed by the plaintiff against the defendants for the relief of Declaration and Injunction. Now the present case is set down for hearing of arguments on merits. At this juncture, the plaintiff has filed these applications by praying this court to reopen the case and recall the stage for further evidence of plaintiff and to condone the delay in filling of list of witness.

It is the settled principle of Law that, immediately after commencement of trial, the plaintiff and defendants have to furnish list of witnesses to whom they are going to examine in the case and the list of documents on which they are relying. However, if not filed at later stage they can file interim application but with satisfied reasons. Only on the grounds of satisfactory reasons the court can

consider the application if the documents of witnesses are utter necessary to the case on hand. As such this is the suit of the plaintiff for the relief of declaration and permanent injunction, more burden lies upon the plaintiff to prove his title. Hence, if an opportunity is provided to the plaintiff to examine witnesses, no hardship would be caused to the defendants as they will be getting an opportunity to cross examine the witness of the plaintiff. Hence, in my considered view, the present applications deserve to be allowed. Hence, I proceed to pass the following:

ORDER

IA'S 7 to 9 filed u/s 151, u/o 18 rul 17 and u/o 16 rules 1 and 2 of C.P.C are hereby allowed.

Accordingly, this case is reopened and the stage is recalled for further evidence of plaintiff.

The delay in filling of list of witness is condoned and it is accepted on record.

No order as to costs.

Issue summons to the witness, if P.F. paid

R/by 25.06.2026.

SD/-

Prl. Sr. Civil Judge and JMFC

Gubbi