

ORDER ON I.A 5

L/c for the defendant no.1 filed I.A under sec.151 of CPC seeking permission to file Written statement for the reason stated in the affidavit.

1. In the annexed affidavit the defendant no.1 submitted that, he need to collect certain facts which is relating to his defence and has such he has not filed his written statement on the prescribed date of hearing. Hence, prays to allow the application.

2. On the other hand, the plaintiff filing objection and contended that, the plaintiff has examined himself has PW1 and also examined other 3 witnesses, in spite of sufficient opportunity given the defendant neither cross examined nor files his written statement, now after laps of 3 years the defendants filed this

application only to harass the plaintiff. Hence, prays to reject the application.

3. Heard both side. Admittedly the L/C for the defendant No.1 has filed vakalath on 22-11-2023. Thereafter inspite of opportunity given he has not filed written statement. Now when the case is posted for further plaintiff evidence, the defenant No.1 come up with the application without plausible ground. Absolutely the defendant No.1 has not made out ground to allow application after laps of 3 years. Though to avoid multiplicity of proceedings application is liable to be allowed by condoning delay on cost. Hence I proceed to pass the following:

ORDER

The I.A. 5 filed U/Sec. 151 of CPC is hereby allowed on cost of Rs.1,500/-.

Written statement of defendant
No.1 taken on record.
For Addl.issues, if any.
Call on 06-02-2026.

Prl.Senior Civil
Judge and JMFC., Sira.

ORDER ON I.A VII

L/c for the plaintiff filed
IA.U/o 16 Rule 7 R/W sec.151 of
CPC seeking direction to the
defendant No.3 for the
production of documents and to
give evidence.

2. In the annexed affidavit
the plaintiff No1 submitted
that, the revenue officer or
Taluk surveyor had issued

notice to the owners of the all
foresaid boundary for the said
land. The Tahsildar has sent
the copies to the assistant
commissioner recommending the
sanction of land in favour of
defendant No.6. The documents
sought by the plaintiff is
necessary to prove the case of
the plaintiff. Hence, prays to
allow the application.

3. on the other hand the
defendants submitted their no
objection to the I.A.

4. Heard both side.

5. This is a suit of
Declaration of Tittle and
permanent Injunction. The
plaintiff seeking direction to
the defendant No.3 to produce
the petition copy
L.N.D(C.R.)366/2016-17
dated:17-04-2017 and L.N.D.
(C.R.)339/2016-17 dated:22-07-
2017, survey notices, survey
sketch and site plan copies. On
the other hand the said

application was not objected by the other said.

6. On going through the entire material on record it appears that, the defendant No.3 neither appear before the court nor filed his written statement to contest the case of the plaintiff. Therefore since the suit is one for the declaration of owner ship the onus is on the plaintiff to prove their case with cogent evidence. Thus the plaintiff cannot compell the defendant No.3 who placed exparte in the present case and not been challenge the case of the plaintiff for the production of documents and to give evidence. Further more the defendant No.6 who being Panchayath Development officer and the Representative of Taruru Grama Panchayath appeared before the court and adduced his evidence by producing the relevant documents. Order sheet further

reveals that, the plaintiff has filed similar application seeking direction for the production of documents to the defendant No.6. The said application have been rejected by this court vide order dated:30-08-2024. Further more the plaintiff has not challenge the aforesaid order of this court. Now when case is posted for arguments the plaintiff come up with this application, absolutely to drag on the proceedings. Thus at this juncture the plaintiff has not made out ground the allow the application. Thus no prejudice will cause to the plaintiff if application is rejected. Hence I proceed to pass the following:

ORDER

The I.A. 7 filed u/o 16 Rule 7 R/w Sec. 151 of CPC is hereby rejection on cost of Rs.500/-.

Call for arguments as finally.

Call on 04-02-2026

Prl. Senior Civil
Judge and JMFC., Sira.