



**IN THE COURT OF PRL. SENIOR CIVIL JUDGE AND
J.M.F.C., AT SIRA.**

Dated this the 18th day of February 2026

PRESENT

**SMT. ZARIFA BANU A.R.,
B.A.L., LL.M.,
PRL.SENIOR CIVIL JUDGE AND J.M.F.C.,
SIRA.**

O.S.No.137/2017

Plaintiffs : Jayamma and another.

-Versus-

Defendants : Halibai

PARTIES TO I.A.No.13 & 14

Applicant : Jayamma
... Plaintiff

-Versus-

Opponents : Halibai.
...Defendant



COMMON ORDERS ON I.A.NO.13 & 14

I.A.No.13 & 14 are filed by the plaintiff U/Sec.151 and U/o 16 Rule 1 and 2 of CPC seeking permission to re open the case and to file the witness list by condoning the delay caused in filing the same for the reasons stated in the annexed affidavit.

2. In the annexed affidavit in both I.As. it has been sworn by the applicant that the case is set down for arguments on merits and she has been examined in chief and she was fully cross examined and when the opportunity was given to her to lead further evidence through her witness, in spite of it she is unable to adduce further evidence through her witness in time due to bonafide reasons in view of the said reasons today she would like to file an application U/o 16 rule 1 and 2 of CPC. Further earlier an opportunity was given to her to furnish the witness list



on her side, but she could not able to furnish the same in time on account of bonafide reasons and same was not an intentional act. Now she is intending to file witness list on her side and adducing further evidence on her side. If these applications are allowed, no harm or loss or hardship would be caused to the other side and if these applications are not allowed, she will be put to great loss and hardship which cannot be compensated in any means. Hence prays to allow the applications.

3. Per contra, the defendant has filed common objection both I.A.s and contended that the applications are not maintainable either in law or facts of the case and same is deserved to be dismissed in limine. The applicant has sworn by stating untenable grounds in a highly belated stage. The plaintiff has filed these applications to over burden the work of this court. Under these circumstances the applications are otherwise frivolous,



vexatious and the same has to be rejected. Viewed from any angle the I.As. Filed by the plaintiff are liable to be dismissed. The plaintiff has filed these applications only to drag on the proceedings and to harass the defendant. Hence, prays to dismissed.

4. Head on both side.

5. The points that arise for my consideration are:

1. Whether the plaintiff has made out sufficient grounds to allow the I.A.No.13 & 14 ?

2. What order?

6. My findings on the above point are as follows:

Point No.1: In the Negative;

Point No.2: As per final order
for the following:

R E A S O N S

7. Point No.1:- This is the suit for partition and separate possession and the



present application has been brought when the matter has been stood for arguments. The main contention of the plaintiff is that earlier this court has given an opportunity to her to furnish the witness list on her side, but she could not able to furnish the same in time on account of bonafide reasons and same was not an intentional act. Order sheet reveals that the plaintiff filed this suit in the year 2017. The case is posted for plaintiff evidence on 16.08.2019 after taking so many adjournments the plaintiff adduced her chief examination on 28.07.2022 and on 22.09.2022 cross of PW-1 made over and since she has not filed witness list case is posted for defendant's evidence. Now when case is posted for arguments the plaintiff come up with these applications without sufficient ground. Therefore, the argument canvassed by the defendant's counsel that the plaintiff filed these applications to drag on the proceedings holds water. Absolutely the plaintiff has not made out ground to allow the



applications and hence liable to be dismissed. Thus, for all these reasons, point No.1 answered in the Negative.

8. **Point No.2:** In view of the findings on point No.1, I proceed to pass the following :-

ORDER

I.A No. 13 & 14 U/Sec.151 and U/o 16 Rule 1 & 2 of CPC filed by the plaintiff are hereby dismissed on costs of Rs.500/- each.

For arguments finally on 03.03.2026.

(Dictated to the Stenographer directly on computer, typed by her, revised, corrected by me and then pronounced in the Open Court on 18th day of February 2026).

(Zarifa Banu A.R.)
Prl. Senior Civil Judge and
J.M.F.C., Sira.