

KAUK020009422015



**ORDERS ON I.A. NO.VII**

Case called out.

IA No.VII is filed by the counsel for the plaintiff under Order XVI rule 1 and 2 R/w Section 151 of C.P.C. to permit the plaintiff to examine the witnesses mentioned in the list of witnesses.

2. The same is brought to the notice of the counsel for the defendant who has filed objection to the said application.

3. In the accompanying affidavit the counsel for the plaintiff has submitted that the plaintiff intends to examine two witnesses who are the witnesses to Ex.P-8 and hence to permit the plaintiff to examine the said witnesses.

4. In the objections it is submitted that the plaintiff has been given sufficient opportunity to examine the witnesses and the examination of the witnesses at this stage could not be permitted to fill the lacunae in the case of the plaintiff and hence prayed to reject the application.

5. Heard both sides.

6. The following points arise for my consideration:

**:POINTS:**

1. Whether sufficient grounds are made out to allow IA-VII?
2. What Order ?

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

Point No.1: In the **Affirmative**.

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

**REASONS**

8. **Point No.1:-** The present suit has been remanded by the appellate court to permit the parties by giving full opportunity to both the parties to lead evidence and to dispose the case in accordance with law. In view of observation made by Hon'ble Appellate Court in R.A.No.8/2021 remanding back the case for fresh consideration it is just and proper to grant opportunity to the plaintiff to adduce additional evidence. Hence on satisfaction of 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**

IA-VII is filed by the counsel for the plaintiff under Order XVI rule 1 and 2 R/w 151 of C.P.C. is allowed.

O.S.No.23/2015

Issue witness summons to witnesses No.1  
and 2 mentioned in IA-VII if P.F. paid.

**Prl. Senior Civil Judge,**

**Karwar.**