

**14/01/2022**

Pltf. by JDB

Deft. by MLN

For Order

**ORDERS ON I.A.NO.VII FILED U/O.16**  
**RULE 1 AND 2 OF C.P.C.**

Counsel for Plaintiff filed an application U/O.16 Rule 1 and 2 of C.P.C. as I.A.No.7.

**2.** The counsel for Defendant filed objections praying before this court to dismiss the said application.

**3.** Heard both the sides.

**4.** Following points arise for my consideration;

**Point No.1** : Whether Plaintiff has made out grounds to allow I.A.No.7 filed U/o.16 Rule 1 and 2 of C.P.C. ?

**Point No.2** : What Order?

**5.** My findings on above points, are as under;

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

Point No.2 : **As per final Order, for the following;**

**REASONS**

**6. Point No.1** : The Plaintiff filed the suit for the relief of eviction of Defendants from suit schedule property. The Plaintiff has educed evidence of PW1 and this court has ordered to lead further Plaintiff

evidence. At that moment of time the Plaintiff filed this application. Accompanying this application the Plaintiff has also filed list of witness. The Defendant filed objections praying before this Court to dismiss the application.

7. On perusal of the materials available on record it is quiet evident that the Plaintiff had not filed any applications nor list of witness prior to the commencement of the trial. However this court was not pleased to keep hearing date for the filing of said list prior to commission of the trial after framing issues. In such circumstance an application can be considered condoning the delay in filing the same by overruling the objections of the Defendant by imposing nominal cost.

8. In view of above discussions, I answer **point No.1 Affirmatively.**

9. **Point No.2** :In view of answering point No.1 Affirmatively, I proceed to pass the following;

**ORDER**

**The application filed U/o.16 Rule 1 and 2 of C.P.C. at I.A.No.1 is hereby allowed at cost of Rs.100/-.**

**Call on for further Plaintiff's  
evidence by**

**Sd/-**

Prl. Civil Judge and  
J.M.F.C. Bhatkal