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**IN THE COURT OF THE ADDL CIVIL JUDGE AND JMFC.,
AT HONNAVAR.**

:-PRESENT:-

**SRI. ANIL JOHN SEQUEIRA
B.B.A., LL.B.,
Addl. Civil Judge & JMFC.,
Honnavar.**

Dated this 19th day of June, 2025

O.S. No.98/2018.

Plaintiff/s : Sri. Ganapati S/o Ganesh Hegde.

V/s

Defendant/s : Sri. Ganapati S/o Parameshwar Bhat and others.

IA No – X and XI

Plaintiff/s : Sri. Ganapati S/o Ganesh Hegde.

Applicant/s:

(By Sri G.V.S., Advocate)

V/s

Defendant/s : Sri. Ganapati S/o Parameshwar Bhat and others.

Opponent/s :

**(D-1 By Sri M.M.J., Advocate and
D-2 By Sri. G.P.A., and D-3 By Sri
K.V.B., Advocates)**

COMMON ORDERS ON I.A. No.X & XI

The plaintiff has filed I.A. No. X under Section 151 of CPC to reopen the case and IA No.XI under 8 Rule 1-A (3) of CPC to produce the document by condoning the delay.

2. In the accompanying affidavit, it is stated that the plaintiff has filed this suit against the defendants for the relief of Injunction. When the case is posted for further chief examination of PW-1, due to unavoidable circumstances some of the important documents have been left out. Said documents are necessary to prove the case of the plaintiff. If the present applications are not allowed, the plaintiff will be put great hardship and injury. Therefore, sought for allowing I.A. No.X and XI.

3. The learned counsel for the defendant No.1 has filed objection by denying entire affidavit averments. In the objection it is stated that there is no any explanation for delay in producing said documents. Now without any reason the plaintiff has come up with these applications to drag the proceedings. If the present applications are allowed, the defendants will be put to great hardship and injury. Hence, sought for dismissal of applications.

4. Heard the arguments of both counsels and perused the records.

5. The following points arise for consideration of this court:-

1. Whether the plaintiff has made out sufficient grounds to allow I.A. No. 10 and 11?
2. What order

6. My answer to the above points are as under:-

Point No. 1: In the Affirmative

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

REASONS

7. Point No. 1:- I have gone through the plaint, written statement and documents produced by both the parties.

8. The plaintiff has filed this suit against the defendant for the relief of Injunction. When case is posted for argument, the plaintiff has come up with these applications. It is stated that the plaintiff has recently secured said documents and said documents are necessary to prove the case of the plaintiff. It is the contention of the defendant No.1 that to drag the proceedings the plaintiff has filed the present applications.

9. It is well settled that widest opportunities should be given to the parties in the trial court itself to prove their case. It is the contention of the plaintiff that the said documents are necessary to prove his case. No doubt the plaintiff has filed these applications at belated stage. The inconvenience caused to the defendants can be met

out by imposing cost on the plaintiff. Therefore, to avoid multiplicity of proceedings the applications filed by the plaintiff are deserved to be allowed. Hence, this court answers **Point No.1 in the affirmative.**

10. Point No.2:- In view of the findings on point No.1, this court proceeds to pass the following:

ORDER

I.A.No. I.A. No.10 and 11 filed are hereby allowed on costs of Rs.200/-.

Cost has to be paid to TLISA, Honnavar.

The PW-1 is recalled, for further chief examination.

Call on 04.07.2025.

(Typed by me in my laptop, corrected and then pronounced by me in the open Court on this the 19th day of June 2025).

Sd/-
**Addl. Civil Judge & JMFC.
Honnavar**