

**OS No.108/2019.**

Case called out.

**ORDER ON I.A.No. IV**

The counsel for defendant has filed the I.A. No. IV under order 18 rule 17 of C.P.C., praying to reopen the case for defendant evidence.

**2.** The application is supported with the affidavit of the advocate for the defendant, wherein he has deposed that defendant has not attended before the court due to his severe fever. Therefore, now he wants to reopen the case and sought permission to lead defendant evidence. Further he deposed that if this application is not allowed, then defendant will be put to great hardship and irreparable injury will be caused to him. Hence, he prayed to allow the application.

**3.** Counsel for plaintiff has not filed objection to above said application.

**4.** Heard both side counsels on I.A No. IV.

**5.** Plaintiff has filed the present suit against defendant for seeking relief of permanent injunction. However, the reason assigned in the application is proper one and sufficient to allow the present application. On the other hand, if this application is allowed,

no prejudice will be caused to the plaintiff. In order to avoid multiplicity of proceedings and in the interest of justice and determining the rights of parties on merits, this court has proceed to pass the following:-

**ORDER**

I.A.No. IV filed by the defendant is hereby allowed subject to payment of Rs.1,000/-.

The suit is of the year 2019 and therefore the learned advocate for the defendant is hereby directed to lead defendant evidence without seeking for any adjournments for any reasons.

For defendant evidence.

**Call on: 07-01-2025.**

Sd/-

**Addl. Civil Judge and JMFC.,  
Honnavar.**